



Scan the code above or visit www.nwleics.gov.uk/meetings for a full copy of the agenda.

Meeting	PLANNING COMMITTEE
Time/Day/Date	6.30 pm on Tuesday, 6 August 2019
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

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 2 July 2019	3 - 6
4. PLANNING APPLICATIONS AND OTHER MATTERS		
	Report of the Planning and Development Team Manager.	7 - 10

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	18/02198/FULM: Demolition of existing buildings and redevelopment for 43 dwellings, a new village hall, formation of vehicular and pedestrian access points and associated infrastructure Priory Nursery Garden Centre Ashby Road Breedon On The Hill Derby DE73 8AZ	PERMIT subject to S106 Agreement	11 - 34
A2	18/00341/REMM: Erection of 49 dwellings with on-site National Forest planting, areas of open space and associated highways and drainage infrastructure (Reserved matters to outline planning permission 13/00956/OUTM) Land To The South Of Grange Road Hugglescote Leicestershire	PERMIT	35 - 46
A3	19/00017/FUL: Change of use of A1 (shops) use to an A5 (Hot food takeaway) use 119 Belvoir Road Coalville Leicestershire LE67 3PH	PERMIT	47 - 58
A4	18/01428/OUTM: Demolition of existing bungalow so as to facilitate residential development (outline - part access included) 11 Fosbrooke Close Ravenstone Coalville Leicestershire LE67 2AB	PERMIT subject to S106 Agreement	59 - 76

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 2 July 2019

Present: Councillor N Smith (Chairman)

Councillors R Boam, A J Bridgen, R Canny, D Everitt, D Harrison, J Hault, D E J Tebbutt, M B Wyatt, J Bridges (Substitute for Councillor J Clarke) and R Johnson (Substitute for Councillor J Legrys)

In Attendance: Councillors R Ashman

Officers: Mr C Elston, Miss S Odedra, Mrs C Hammond, I Jordan, Mr J Knightley and Mr A Mellor

9. APOLOGIES FOR ABSENCE

Apologies were received from Councillors J Clarke and J Legrys.

10. DECLARATION OF INTERESTS

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

Councillor R Johnson declared a non-pecuniary interest in item A2, application number 19/00747/REMM, as a ward member. He advised that he would address the committee and then take no further part in the meeting.

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

Item A1, application number 18/01890/OUTM

Councillors R Boam and J Bridges

11. MINUTES

Consideration was given to the minutes of the meeting held on 4 June 2019.

It was moved by Councillor N Smith, seconded by Councillor R Johnson and

RESOLVED THAT:

The minutes of the meeting held on 4 June 2019 be approved and signed by the Chairman as a correct record.

12. PLANNING APPLICATIONS AND OTHER MATTERS

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

13. A1 18/01890/OUTM: EMPLOYMENT DEVELOPMENT FOR USES B1 (C), B2 AND B8 (OUTLINE WITH DETAILS OF PART ACCESS INCLUDED)

Land East Of Regs Way Coalville Leicestershire LE67 1GH

Officer's Recommendation: PERMIT subject to S106 Agreement

The Interim Principal Planning Officer presented the report to Members.

Mr L Coyle, objector, addressed the Committee. He highlighted that there was no need for any further industrial units in the area as he felt that it was already very over populated. He drew Members' attention to the loss of green space, the detrimental effect that the units would have on the outlook of the historical buildings and the increase in the air, noise and light pollution levels. He expressed concerns over the access to the site on to a very fast stretch of road and that the developer had started cutting hedgerows during the bird nesting season.

Ms C Biddle, applicant, addressed the Committee. She highlighted to Members the experience the company had in delivering industrial sites and that there was an immediate need and demand for the proposal before them which was in a sustainable area, it would create around 530 jobs and that the traffic would have very little impact on the highway infrastructure. She advised that it was hoped that construction would start in 2020 and that they had already received interest in the units from companies.

In determining the application Members expressed concerns over the increased volume of traffic along the A511, the access to the site, the timescales for development, especially if other employment applications were granted and completed before the one before them, that the site was outside the limits to development and ensuring that the floor levels of the units were sunk. Members had regard to the highways authority having no objection to the application, that there was currently a need for employment sites in the district as a whole and that a condition could be included to ensure that the development was completed within a shortened timescale.

It was moved by Councillor J Bridges and seconded by Councillor D Harrison.

The Chairman then put the motion to the vote. A recorded vote being required the voting was as detailed below:

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Interim Head of Planning and Infrastructure with the inclusion of an additional condition to shorten the timescale of the development.

Motion to Permit the application with an additional condition to in relation to timescales (Motion)	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor David Everitt	Against
Councillor Dan Harrison	For
Councillor Jim Hault	For
Councillor Daniel Tebbutt	Against
Councillor Michael Wyatt	Against
Councillor John Bridges	For
Councillor Russell Johnson	Against
Carried	

14. **A2**
19/00747/REMM: RESERVED MATTERS APPROVAL (ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) (OUTLINE PLANNING PERMISSION 13/00956/OUTM) FOR THE ENABLING WORKS ASSOCIATED WITH PHASES A1, A2 AND A3 INCLUDING THE DEMOLITION OF THE BUILDINGS AT UPPER GRANGE FARM AND THE BUNGALOW; REGRADING OF THE LAND; INSTALLATION OF THE GATEWAY, THE STREET TO THE WEST OF THE GATEWAY, AND JUNCTION OF THE STREET TO THE EAST OF THE GATEWAY; INSTALLATION OF SURFACE AND FOUL WATER DRAINAGE INFRASTRUCTURE; LANDSCAPING; AND DIVERSION OF PUBLIC RIGHTS OF WAY

Land South Of Grange Road Hugglescote Leicestershire LE67 2BT

Officer's Recommendation: PERMIT

Having declared a non-pecuniary interest in the item as ward member Councillor R Johnson left the meeting and took no further part in the discussion and voting thereon.

The Principal Planning Officer presented the report to Members.

Ms C Biddle, applicant, addressed the Committee, She highlighted that the application was to allow the preparation of the site in readiness for the sale of the land in serviced parcels to be developed. She informed Members that various meetings had been held with the District and Parish Councils along with the National Forest, and it was hoped that work would commence in July and building would start in 2020.

Councillor R Johnson, ward member, addressed the Committee. He highlighted that the developers along with the agents had met with the Parish Council following an objection to the balancing pond, which had been dealt with, however there were still concerns as to how the earthworks could be completed without impacting, disturbing and damaging some of the surrounding archaeology. He requested that a further condition be included to protect the site. He also expressed concerns that the developer had ripped out and destroyed healthy hedges during bird breeding season and requested the remaining trees and hedgerows also be protected by a condition.

In determining the application Members had regard to the significant infrastructure contribution that had been made when the original planning application for the wider South East Coalville site had been permitted that would contribute towards the A511 corridor which included the punch through road and that there was a recommendation included to ensure protection of the trees.

It was moved by Councillor J Bridges, seconded by Councillor J Houlton

The Chairman then put the motion to the vote. A recorded vote being required the voting was as detailed below:

RESOLVED THAT:

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

Motion to Permit the application in accordance with the officer's recommendation (Motion)	
Councillor Nigel Smith	For
Councillor Russell Boam	For
Councillor Alexander Bridgen	For
Councillor Rachel Canny	For
Councillor David Everitt	For
Councillor Dan Harrison	For

Councillor Jim Hout	For
Councillor Daniel Tebbutt	For
Councillor Michael Wyatt	For
Councillor John Bridges	For
Councillor Russell Johnson	Conflict Of Interests
Carried	

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.35 pm

APPENDIX B

**Report of the Interim Head of Planning and Infrastructure
to Planning Committee**

6 August 2019

PLANNING & DEVELOPMENT REPORT

PLANNING COMMITTEE FRONT SHEET

1. Background Papers

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

2. Late Information: Updates

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

3. Expiry of Representation Periods

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

4. Reasons for Grant

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

5. Granting permission contrary to Officer Recommendation

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

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

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

6 Refusal contrary to officer recommendation

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

7 Amendments to Motion

An amendment must be relevant to the motion and may:

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

as long as the effect is not to negate the motion

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

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

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

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

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

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

8 Delegation of wording of Conditions

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

9. Decisions on Items of the Head of Planning and Infrastructure

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.

**Demolition of existing buildings and redevelopment for 43 dwellings, a new village hall, formation of vehicular and pedestrian access points and associated infrastructure
Priory Nursery Garden Centre Ashby Road Breedon On The Hill Derby DE73 8AZ**

**Report Item No
A1**

**Application Reference
18/02198/FULM**

**Grid Reference (E) 440205
Grid Reference (N) 322878**

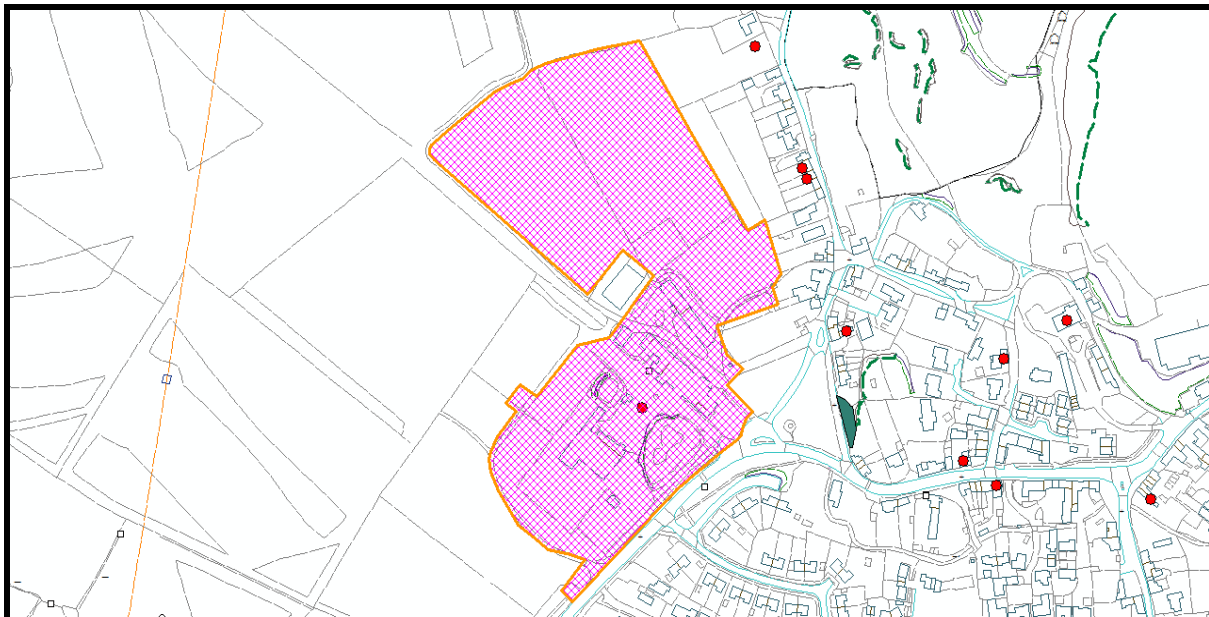
**Date Registered:
12 December 2018
Consultation Expiry:
6 January 2019
8 Week Date:
13 March 2019**

**Applicant:
Cameron Homes Limited**

**Case Officer:
Adam Mellor**

**Recommendation:
PERMIT subject to S106 Agreement**

Site Location - Plan for indicative purposes only



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

EXECUTIVE SUMMARY OF PROPOSALS

Call In

This application has been brought to the Planning Committee for determination on the basis that part of the development is contrary to the provisions of the Local Plan (residential development on a greenfield site outside the defined Limits to Development) and is recommended for permission as well as the application being of significant public interest.

Proposal

Planning permission is sought for the demolition of existing buildings and the redevelopment of the site to provide 43 dwellings (38 market and 5 affordable properties) and a new village hall at Breedon Priory Nurseries, Ashby Road, Breedon on the Hill.

Consultations

Objections have been received from third parties. No objections have been received from statutory consultees with a revised response from the County Highways Authority awaited.

Planning Policy

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

Conclusion

The key issues in relation to the application are considered to be:

- The principle of the development and re-use of previously developed land;
- Design, density, housing mix and impact on the character and appearance of the streetscape;
- The impact on heritage assets;
- Residential amenity;
- Highway safety;
- Ecology; and
- Drainage and flood risk.

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies, including the adopted Good Design for North West Leicestershire SPD, and the NPPF (2019).

RECOMMENDATION - PERMIT, SUBJECT TO A LEGAL AGREEMENT AND CONDITIONS AND THE RECEIPT OF FURTHER COMMENTS FROM LEICESTERSHIRE COUNTY COUNCIL HIGHWAYS AUTHORITY.

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.

1. Proposals and Background

Planning permission is sought for the demolition of existing buildings and redevelopment for 43 dwellings, a new village hall, formation of vehicular and pedestrian access points and associated infrastructure at Breedon Priory Nurseries, Ashby Road, Breedon on the Hill. The 5.71 hectare application site is situated on the north-western side of Ashby Road and is outside the defined Limits to Development with the site also lying adjacent to the boundary of the Breedon on the Hill Conservation Area. The buildings presently on the site are utilised for various retail and employment uses, as well as the storage of golf course machinery and maintenance tools associated with Breedon Priory Golf Course. The buildings associated with the golf course are proposed to be retained.

The original application sought consent for 46 dwellings, however, during the course of the application the layout has been amended and the overall number of dwellings reduced. These dwellings would comprise 38 open market dwellings and 5 affordable dwellings consisting of 4 x 2 bed (all affordable), 15 x 3 bed (1 x affordable and 14 market), 17 x 4 bed (all market) and 7 x 5 bed (all market) properties.

In addition to the residential development it is also proposed that a village hall would be positioned in the south-eastern corner of the site which would be provided with 15 car parking spaces (3 disabled spaces) as well as cycle parking provision.

In terms of vehicular access it is proposed that the existing 'entrance' to Breedon Priory Nurseries, off Ashby Road, would be upgraded to allow two-way vehicle flows with this upgraded access serving the residential development and village hall as well as continuing to serve Breedon Priory Golf Club. The existing 'exit' from Breedon Priory Nurseries would be closed with a new pedestrian and cycle access being created in close proximity to the junction of Melbourne Lane with Ashby Road.

A planning statement, design and access statement, transport statement, ground investigation report, flood risk assessment, ecological appraisal, phase 1 archaeological evaluation, heritage statement and village character appraisal and tree survey accompanied the original application. Following receipt of comments from consultees a further ecological appraisal, flood modelling report, flood risk and drainage information: technical note, supplementary ground investigation report and stage 1 road safety audit have been submitted and appropriate consultation undertaken.

The recent planning history of the site is as follows: -

- 10/00884/CLE - Certificate of lawful existing use for use of existing access for both access and egress purposes - Withdrawn 22nd February 2011.
- 16/01120/FULM - Removal of existing buildings and erection of 27 dwellings, a new village hall, new commercial/retail units, new agricultural building together with associated access - Pending Consideration.
- 18/02199/FUL - Erection of new golf reception and catering building, extension to existing golf implement store and associated access driveway - Approved 3rd May 2019.

2. Publicity

50 neighbours notified.

Press Notice published Derby Evening Telegraph 19 December 2018.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

No Objections from;

Historic England.
 Leicestershire County Council - Developer Contributions.
 NWLDC - Affordable Housing Enabler.
 NWLDC - Environmental Protection.
 NWLDC - Conservation Officer.

No Objections, subject to condition(s) or financial contributions, from;

Leicestershire County Council - Archaeology.
 Leicestershire County Council - Ecology.
 Leicestershire County Council - Lead Local Flood Authority.
 NWLDC - Environmental Protection (Contaminated Land).
 Police Architectural Officer.
 University Hospitals of Leicester NHS Trust.
 West Leicestershire Clinical Commissioning Group.

Support from;

Breedon on the Hill Parish Council subject to the following comments:

- That the recommendations of the Lead Local Flood Authority when complete are fully implemented in accordance with their plans.
- Concern is expressed that the proposed development did not have any play facilities. The Parish Council is currently refurbishing the existing village facilities for children and would ask if it is possible for the development to make a contribution towards the cost in the sum of £10,000.
- The Parish Council would encourage LCC Education and Health Departments to ensure that adequate provisions are in place to meet the additional needs generated by the development, therefore a Section 106 contribution from the developer should be sought.
- It should be ensured that the village hall is constructed and completed no later than when 50% of the approved dwellings are ready for occupation.

Third Party Representations

44 representations have been received from third parties with 43 of those representations objecting to the application and one being neither in support nor against the development. The comments raised are summarised as follows:

Sustainability

- Breedon lacks the service provision and infrastructure to support more residents with the information associated with the application being false.
- The lack of a bus service will lead to a heavy reliance on the private car which is not sustainable.
- The loss of the existing services on the site worsens the sustainability of Breedon and is contrary to policy.
- Is there affordable housing? As the rural housing needs survey of 2017 outlined that it was needed.
- The livelihood of the operators of the existing businesses will be impacted on.
- The school has insufficient capacity and doctors services will be impacted on.

- Development will be on greenfield land which is contrary to policy.
- Broadband provision in the settlement is inadequate.
- Other houses constructed in the settlement remain unsold.
- Renewable technology should be used to power the homes and village hall.

Highway Safety

- Additional vehicular movements on highway network will result in detriment to pedestrian and highway safety with the current pavements within Breedon on the Hill being narrow.
- Traffic calming measures are required given vehicles travel in excess of the speed limit.
- The loss of the on-site parking will increase incidents of on-street parking.
- Existing egress from the nursery should be utilised as the proposed access to the residential development and village hall.
- Construction of development will lead to mud being deposited on the highway.
- Reversing a vehicle over the ghost right turn and highway is detrimental to highway safety.
- The vehicular movements associated with a caravan site which operates from Breedon Priory should be taken into account.

Amenity

- There will be an increase in vehicular noise and disturbance from headlights shining into properties opposite the proposed access.
- Provision of houses next to the Holly Bush Inn will disrupt the operations of this public house given future residents will complain.
- Construction noise will result in detriment to neighbouring properties.
- Village hall will have undue restrictions put on it given the relationship with residential properties and therefore the building will become redundant.

Design and Heritage

- The development will have an adverse impact on the setting of heritage assets given that the estate will be the first impression of Breedon on the Hill when approaching from the south-west.
- Development does not respect the historic character of the settlement.
- The design of the houses are out of keeping with the traditional properties that exist.
- The development is out of scale with the settlement.

Ecology

- There is no protection of existing wildlife on the site given the loss of the pond.

Flooding and Drainage

- Breedon on the Hill suffered a major flooding incident in 2016 and this development will increase surface water run-off and therefore lead to more flooding incidents.
- The foul drainage network is insufficient to accommodate the proposal.

Other

- The buildings to be removed contain asbestos and therefore should be removed carefully.
- Development should provide play facilities as well as allotments and bungalows.
- Who will fund and be responsible for the upkeep of the village hall?

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

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

Paragraphs 8 and 10 (Achieving sustainable development);
 Paragraphs 11 and 12 (Presumption in favour of sustainable development);
 Paragraph 34 (Development contributions);
 Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
 Paragraphs 54, 55, 56 and 57 (Planning conditions and obligations);
 Paragraphs 59, 60, 61, 62, 64, 68, 73, 74, 76, 77 and 78 (Delivering a sufficient supply of homes);
 Paragraph 83 (Supporting a prosperous rural economy);
 Paragraphs 91, 92 and 98 (Promoting healthy and safe communities);
 Paragraphs 105, 106, 108, 109, 110 and 111 (Promoting sustainable transport);
 Paragraphs 117, 118, 122 and 123 (Making effective use of land);
 Paragraphs 124, 126, 127 and 130 (Achieving well-designed places);
 Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change);
 Paragraphs 175, 178, 179 and 180 (Conserving and enhancing the natural environment); and
 Paragraphs 192, 193, 194, 196 and 199 (Conserving and enhancing the historic environment).

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 - Future Housing and Economic Development Needs;
 Policy S2 - Settlement Hierarchy;
 Policy S3 - Countryside;
 Policy D1 - Design of New Development;
 Policy D2 - Amenity;
 Policy H4 - Affordable Housing;
 Policy H6 - House Types and Mix;
 Policy IF1 - Development and Infrastructure;
 Policy IF2 - Community and Cultural Facilities;
 Policy IF3 - Open Space, Sport and Recreation Facilities;
 Policy IF4 - Transport Infrastructure and New Development;
 Policy IF7 - Parking Provision and New Development;
 Policy En1 - Nature Conservation;
 Policy En6 - Land and Air Quality;
 Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
 Policy Cc2 - Water - Flood Risk; and
 Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document - April 2017.

Leicestershire Highways Design Guide (Leicestershire County Council).

Planning (Listed Buildings and Conservation Areas) Act 1990 - Sections 66 and 72.

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

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

5. Assessment

Principle of the Development and Sustainability

In accordance with the provision 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, comprises the adopted North West Leicestershire Local Plan (2017).

Paragraph 170 of the NPPF (2019) highlights, amongst other things, the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside.

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Council is able to demonstrate a five year supply of housing (with 20% buffer) against the housing requirements contained in the adopted Local Plan.

The application site lies outside the defined Limits to Development where only certain forms of development would be permitted, which are as outlined in Policy S3 of the adopted Local Plan. This policy would support, amongst other things, the *"redevelopment of previously developed land in accordance with Policy S2" (criteria (e))* and *"community services and facilities meeting a proven local need" (criteria (l))*.

In respect of social sustainability it is noted that numerous third party representations which have been received have commented that the settlement of Breedon on the Hill is not socially sustainable. Although third parties are of this view, Policy S2 of the adopted Local Plan outlines that Breedon on the Hill is a Sustainable Village which is defined as a settlement which has a limited range of services and facilities, it is also noted that the Inspector in an appeal decision, dated 14th July 2017, associated with a scheme of 27 dwellings on Worthington Lane, Breedon on the Hill (ref: 16/00360/OUTM appeal ref: APP/G2435/W/17/3167167) did not consider the settlement to be socially unsustainable. Such services which are available include a shop (incorporating a post office), primary school, public houses, church and recreation ground with the public transport provision including a two hourly service between Coalville and East Midlands Airport (Robert Coaches Air Link Service 155 - Monday to Saturday). Given the location of the application site such services would be accessible via foot on raised footways and consequently future occupants of the properties would not necessarily be dependent on the private car to access the most basic of services. The dwellings would also assist in sustaining these services which is a key intention of Paragraphs 78 and 83 of the NPPF.

It is also considered, from a social perspective, that the provision of 43 dwellings, including affordable properties, with a mix of 2, 3, 4 and 5 bedroom dwellings would support and contribute to the housing needs of different groups in the community with the village hall also supporting the community's social and cultural well-being.

Whilst Policy S2 does outline that the limited amount of growth to take place within Sustainable Villages will be within the defined Limits to Development, the supporting text to this Policy does outline that the *"re-use of previously developed land (as defined in the National Planning Policy Framework) will be supported where it is compatible with the settlement hierarchy"* with it also being stated that the *"redevelopment of previously developed land for housing should be within or well-related to the Principal Town, a Key Service Centre, Local Service Centre. Sustainable Village or Small Village."* Paragraph 5.18 of Policy S2 further reiterates that any further development within a sustainable village will be restricted to either *"infilling or previously developed land which is well related to the settlement concerned."*

The Council's Brownfield Land Register identifies land which would be considered 'previously developed' in the context of Policy S2 and this register identifies that the majority of the application site would constitute brownfield land (register reference BLR4). On the basis of the proposed site layout plots 1 - 33, as well as plots 36 and 37, would be on land which is previously developed and given that the application site lies adjacent to the Limits of Development for Breedon on the Hill, as defined on the Policies Map to the adopted Local Plan, it would be well-related to the settlement. Consequently the provision of these 35 dwellings would be compliant with Policies S2 and S3 of the adopted Local Plan, with Paragraphs 117 and 118 of the NPPF also outlining support for the re-use of previously developed land.

This would therefore leave eight dwellings (plots 34 - 35 and 38 - 43) which would be on greenfield land situated in the north-east of the application site. Whilst this greenfield land would be adjacent to the Limits to Development, as identified above, it would be visually linked with undeveloped greenfield land to the north-west (including land which is both agricultural and recreational (golf course)), albeit it is acknowledged that the extent of greenfield land used to provide the eight dwellings would be between the extent of brownfield land used for the remainder of the development as well as residential properties on Melbourne Lane. Although set between these areas, a residential development of eight dwellings, combined with their associated infrastructure, would diminish the present open character of this part of the site.

On the above basis this element of the proposal would conflict with a fundamental principle of the NPPF by virtue of its failure to protect or enhance the natural environment. As this part of the site is outside the defined Limits to Development this element of the proposal would also conflict with the settlement hierarchy and strategic housing aims of the adopted Local Plan.

Although the view is taken that the provision of these eight dwellings will impact adversely on the 'openness' of the rural environment, it would be difficult to determine that they would be isolated given their association with the remainder of the proposed development on brownfield land as well as the residential dwellings on Melbourne Lane.

Whilst acknowledging the environmental harm caused as a result of the provision of these eight dwellings, this harm needs to be balanced with the 'overall' environmental harm as well as the social and economic benefits of the proposed scheme as a whole. In this instance it is considered that there are economic benefits associated with the short-term employment opportunities in the construction trade, as well as the benefits associated with the creation of an enhanced village hall allowing for new recreational activity groups to be set up given that the building has been designed to accommodate a variety of uses.

Socially there are benefits associated with the provision of 43 dwellings in a sustainable settlement where future residents would be in a position to assist in sustaining the existing facilities, and who would not be heavily dependent on the private car to undertake 'day to day'

activities. The provision of five affordable properties (2 and 3 bed dwellings) would also be in excess of the total required by Policy H4 of the adopted Local Plan (which would be 2 as the majority of the site is previously developed land). These factors weigh in favour of the proposal in the context of Paragraphs 77 and 78 of the NPPF. The village hall would also be considered a social benefit of the development given that it would support the communities *"health, social and cultural well-being"* as outlined at Paragraph 8 of the NPPF.

Environmentally the development, in the main, would also result in the re-use of previously developed land adjacent to the existing defined Limits to Development, which is the most appropriate land for development, with the County Council Ecologist indicating that there could be positive biodiversity enhancements as a result of the development due to the creation of wetland habitats around the proposed attenuation basins.

In conclusion, the provision of eight of the dwellings on a greenfield site outside the defined Limits to Development would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the adopted Local Plan. The construction of the eight dwellings would also fail to protect or enhance the natural environment due to their construction being on land which is visually linked with the wider undeveloped countryside, and thereby contrary to Policy S3 of the adopted Local Plan and the environmental objective of the NPPF. Whilst this is the case it is considered that the level of environmental harm caused by the provision of these eight dwellings would, in this instance, be outweighed by the economic, social and environmental benefits associated with the provision of a village hall which would expand the recreational activities which could be made available to residents, as well as the creation of job opportunities in the construction trade, the ability of future residents to help sustain the existing service provision within the settlement as well as the over provision of affordable housing meeting the housing needs of the community, and the fact that the majority of the development would be provided on previously developed land with positive biodiversity enhancements being secured. On balance, therefore, the proposal would constitute a sustainable form of development which would be supported by the principles of Policies within the adopted Local Plan as well as the NPPF.

In terms of the village hall the planning statement submitted in support of the application outlines that the village hall will serve the community and has been developed in line with the Parish Council who have established the needs and requirements of the community. Criteria (I) of Policy S3 of the adopted Local Plan outlines that the provision of community facilities will be supported outside the defined Limits to Development where there is a proven local need, with Policy IF2 outlining that new community facilities will be supported where deficiencies in provision would be addressed provided that adverse impacts on the environment and settlement concerned can be avoided or mitigated (criterion (a) of Policy IF2). Paragraph 92 of the NPPF also supports the provision of such facilities. It is proposed that the village hall will be constructed on the brownfield part of the application site and has been developed so as to be used for both community and recreational activities. In the context of its location there would be no adverse impacts to the environment and it is considered that there is a proven local need for such a facility given that at present facilities at the school have to be utilised for community meetings and events. On this basis this element of the proposal would be compliant with Policies S3 and IF2 of the adopted Local Plan as well as Paragraph 92 of the NPPF.

It is acknowledged that the basis of the above conclusion is founded, in part, on the provision of the village hall, which is to be constructed by the developer and subsequently 'gifted' to the Parish Council who will then be responsible for the upkeep and maintenance of the building. Consequently to avoid a situation whereby the village hall is not provided, and therefore the benefits outlined above are not achieved, it is proposed to impose a condition on any permission granted whereby only a certain number of the dwellings can be completed and

occupied before such time as the village hall is commenced and subsequently provided.

Loss of Current Commercial Facilities

The proposed development will result in the loss of the existing commercial facilities on the site, including a hairdressers, café, book shop, craft shop and garden centre, and third parties have commented that the scheme proposed under application reference 16/01120/FULM, which remains undetermined, sought to provide new commercial facilities.

Policy Ec12 of the adopted Local Plan addresses the loss of shopping and other main town centre uses within defined Local Centres and on the basis that Breedon on the Hill does not have a defined Local Centre the terms of this policy would not be applicable in the assessment of the application. Paragraphs 83 and 92 of the NPPF would also not be of relevance as the type of uses would not be classed as community and cultural facilities.

Whilst it is not entirely clear whether Policy IF2 of the adopted Local Plan would be of relevance, which seeks to resist the loss of 'key' services and facilities, it is considered that as the current operators do not own their business premises it is the case that the owner could cease the operation of these businesses at any time which would lead to the same impact (i.e. the loss of the current commercial facilities) as that which would arise should planning permission be granted under this application.

Although it is regrettable that such services will be lost as a result of the development given the general lack of conflict with any defined Policy of the adopted Local Plan and the NPPF the loss of the existing commercial facilities would not substantiate a reason to refuse the application. In coming to this conclusion, it is also noted that the proposal includes for a new village hall which has the potential to become a 'key' community facility within Breedon.

Design, Housing Mix and Impact on the Character and Appearance of the Streetscape

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1, and the Council's adopted Good Design for NWLDC SPD, but also Paragraphs 124 and 127 of the NPPF.

At present the application site comprises numerous single storey buildings associated with the existing commercial businesses which operate from the site along with the hard surfaced off-street car parking areas connected with these uses. The only 'undeveloped' part of the application site would be an area within the north-eastern corner. The main settlement of Breedon on the Hill is set to the immediate south-east of the site, and within this settlement there is a significant variation in the types, heights and scales of residential properties. Residential properties on Melbourne Lane exist to the north-east of the site and land used for agriculture and recreation (golf course) purposes is set to the north-west. From a topographical perspective the application site is relatively flat with no significant undulations.

Properties within the immediate area largely comprise two-storey terraced, semi-detached and detached types which are orientated to address the highways and have very little set back from the back edge of the pavement. The layout as proposed is of a design which would respect the context of the environment in which it would be set by ensuring that dwellings are orientated so as to address the streets within the scheme, and which would not be substantially detached from the highways within the site. The type of dwellings proposed would also respond to the context of the immediate environment outside the confines of the site by ensuring that those along the main internal highways are compacted together. It is also the case that the private amenity areas associated with the dwellings would be commensurate with their footprint with there being no domination of off-street parking to the frontage of properties. This is in

accordance with the Council's adopted Good Design SPD.

In terms of the design of the dwellings themselves it is considered that they have sought to be traditional in their appearance so as to respond positively to their setting adjacent to the Breedon on the Hill Conservation Area, as well as the design and style of traditional dwellings which exist on The Green and Melbourne Lane. Such design detailing includes the use of stone and brick cills and lintels, chimneys as well as brick and stone detailing and conditions imposed on any permission granted would ensure that such detailing was provided. It is also the case that windows are supplied in elevations where the surveillance of off-street parking spaces would be required, in order to encourage their use, which again accords with guidance within the Council's adopted Good Design SPD.

In terms of other conditions the Council's Urban Designer has specified that the precise construction and colour finishes to porches and door surrounds, as well as the design detailing of verges, eaves and boundary walls and colour of the infill fillet above the windows, should be secured. Subject to a satisfactory resolution on such matters at the discharge of condition stage it is considered that, overall, the proposed residential development would be a positive addition to the settlement and would integrate into the environment in which it is set. An appropriate selection of external materials has been agreed and therefore these materials would be conditioned on any planning permission granted.

It is also considered that the design of the village hall would be acceptable by proposing a building which is traditional in appearance and which has design detailing and features that would ensure it has a positive impact on the streetscape. This is important due to it being a highly prominent building when entering and exiting the settlement via Ashby Road and The Green/Melbourne Lane.

Overall the layout, appearance and scale of the development would be acceptable and would ensure compliance with Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD and Paragraphs 124 and 127 of the NPPF.

With regards to housing mix, Policy H6 of the adopted Local Plan outlines that a mix of housing types, sizes and tenures is expected on residential developments proposing 10 dwellings. When determining an appropriate housing mix the information contained within the Housing and Economic Development Needs Assessment (HEDNA) is one of the factors to take into account alongside other criteria as outlined in Part (2) of Policy H6. The range of dwelling sizes (in terms of number of bedrooms) identified as appropriate in the HEDNA are as follows:

- 1 bed - 0-10% (Market) and 30-35% (Affordable);
- 2 bed - 39-40% (Market) and 35-40% (Affordable);
- 3 bed - 45-55% (Market) and 25-30% (Affordable); and
- 4 bed - 10-20% (Market) and 5-10% (Affordable).

The submitted scheme proposes the following (%):

- 1 bed - 0% (Market) and 0% (Affordable);
- 2 bed - 0% (Market) and 80% (Affordable);
- 3 bed - 37% (Market) and 20% (Affordable); and
- 4 bed+ - 63% (Market) and 0% (Affordable).

The market housing would be weighted more towards larger units than as suggested by the HEDNA, although it is acknowledged that Policy H6 indicates that the HEDNA mix is one of a

number of criteria to be considered when applying the policy, and consideration should also be given to other factors such as the *"character and context of the individual site"* (criterion (f) of Part 2).

Whilst utilising previously developed land the application site lies outside the Limits to Development with open countryside to the north-west. Consequently care has been given to designing a scheme which has a greater density of development closer to the settlement boundary and which then 'feathers' out towards the edges given the transition to the open countryside. It is considered that such a design approach has influenced the provision of larger homes within spacious plots. The development also provides positive economic and social benefits with the provision of a village hall and affordable housing in excess of that which would be sought under Policy H4 of the adopted Local Plan, with the affordable mix being acceptable to the Council's Affordable Housing Enabler. Overall, in this instance, it is considered that the compliance with criteria (f) of Policy H6 would negate the lack of compliance with the housing mix suggested by the HEDNA.

As the proposed number of dwellings is below 50 there is no requirement for the development to provide bungalows in the context of criterion (3)(a) of Policy H6 of the adopted Local Plan.

Impact on the Historic Environment

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, as well as a Conservation Area, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess, and to the desirability of preserving or enhancing the character or appearance of that area. Such an approach is also supported by Paragraphs 192, 193, 194, 196 and 200 of the NPPF.

In terms of heritage assets the majority of the application site lies adjacent to the boundary of the Breedon on the Hill Conservation Area although the area proposed for the village hall would be within the extent of the Conservation Area. In terms of listed buildings the Grade II listed Parish War Memorial is set to the east of the site with the Grade II listed Holly Bush Inn (Melbourne Lane) set to the north-east and Grade I listed Church of St Mary and St Haldulph and hill fort also set to the north-east. Therefore the impacts of the development on the fabric and setting of these heritage assets should be given special regard as required by the 1990 act.

Historic England have stated that the specialist advice of the Council's Conservation Officer should be taken into account when determining the impacts of the development on heritage assets. In commenting on the scheme as originally submitted (i.e. the scheme for 46 dwellings) the Council's Conservation Officer objected for the following reasons:

- The extension of the site in a south-western direction beyond the Limits to Development would have a harmful impact on views out of the scheduled monument (Iron Age hill fort 'The Bulwarks') with such views contributing positively to the setting of this heritage asset;
- That the provision of a large attenuation basis within the north-eastern part of the site would result in the loss of a hedgerow which appears on a circa 1770 map of Breedon, as such the hedgerow would be classed as an ancient hedgerow;
- That a 'link' should be provided from the site to the Holly Bush public house on Melbourne Lane;
- That plots 23 and 24, a 'cranked' corner unit, should be replaced with a semi-detached pair; and

- That the village hall and its associated car park should be swapped so as to enable the village hall to front onto The Green.

Amendments have been made to the plans so as to address these concerns and whilst the position of the village hall and its car park has not altered, the applicant has justified the need for the car park to remain in its proposed position due to the conflict with a drainage channel along the south-eastern boundary of the site which, if flooded, would impact on the village hall. As such the only way the village hall could remain fronting onto The Green would be to substantially increase its finished floor level which would not be in the best interests of the design of the development or the visual amenities of the streetscape. This justification has been accepted by the Council's Conservation Officer.

On the basis of the scheme as submitted, proposing 43 dwellings, the Council's Conservation Officer considers that the scheme would positively respond to the local character by proposing a development with an irregular layout, which would utilise a mixture of external materials, which would offer a future opportunity for pedestrian connectivity to the Holly Bush public house, which would provide variance in eaves and ridge heights to the dwellings and which would respond to its context by virtue of its mix of detached and semi-detached house types.

The design of the village hall would be acceptable given that it proposes a more traditional form of development which would respond positively to the context of the environment in which it would be set.

It is also considered that the removal of the dilapidated commercial buildings would enhance the setting of the conservation area.

Overall it is considered that the scheme would preserve the setting of the conservation area, as well as listed buildings, by providing a form of development which would be consistent with the character of the development found within the conservation area, which lies adjacent to the site, whilst also allowing views from the entrances to the development onto the wider open countryside situated to the north-east. The Council's Conservation Officer has concluded that the proposed development would result in no harm to the significance of the identified heritage assets and as no harm would arise an assessment in the context of Paragraph 196 of the NPPF would not be required.

Overall the proposed development would be acceptable and accords with Policy He1 of the adopted Local Plan, Paragraphs 192, 193, 194 and 196 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential Amenity

In respect of the residential element of the development it is considered that the properties most immediately affected would be nos. 1 to 9 Melbourne Lane (odd numbers inclusive) along with a new dwelling which is being constructed to the rear of nos. 3 and 5 Melbourne Lane in accordance with the permission granted under application reference 14/00925/FUL (to be known as 1A Melbourne Lane).

Plots 37 - 40 and plot 43 are the proposed dwellings which are positioned to the south-west of the dwellings on Melbourne Lane and in terms of distances to what would become shared boundaries and elevations the following separation distances are proposed: -

- North-eastern (side) elevation of plot 43 set 26.5 metres from the shared boundary with no. 9 Melbourne Lane and 47.5 metres from its rear elevation;

- North-eastern (side) elevation of plot 40 set 8 metres from the shared boundary with no. 7 Melbourne Lane and 31.5 metres from its rear elevation;
- North-eastern (rear) elevation of integral garage to plot 40 set 7.5 metres from the shared boundary with no. 5 Melbourne Lane, which would subsequently be the boundary with what become no. 1A Melbourne Lane, and 44.5 metres from the closest part of its rear elevation (over 20 metres to the rear elevation of no. 1A Melbourne Lane);
- North-eastern (rear) elevation of integral garage to plot 40 also set 44.5 metres from the closest part of the rear elevation to no. 3 Melbourne Lane; and
- North-eastern (side) elevation of plot 39 set 6 metres from the shared boundary with no. 1 Melbourne Lane (The Holly Bush Inn) and in around 20 metres from the closest part of the rear elevation of this building.

It is considered that such separation distances would accord with those outlined in the Council's adopted Good Design SPD and would therefore ensure that no adverse overbearing, overshadowing or overlooking impacts would arise to the amenities of properties on Melbourne Lane.

The south-eastern (rear) elevations of plots 38 and 39 would be set 10 and 13 metres, respectively from the shared boundary with no. 1 The Green (Holly Cottage) with a separation distance of around 28 metres between the elevation of plot 39 and the closest part of the rear elevation of no. 1. It is considered that the separation distance to the rear elevation and shared boundary would ensure that no adverse overbearing or overshadowing impacts would arise particularly taking into account the orientation and amount of garden associated with this property. Such a separation distance would also ensure that no adverse overlooking impacts would arise particularly given that any direct view would be onto the latter parts of the garden associated with no. 1, which is substantial in size, as well as the presence of a group of Leyland cypress trees to the shared boundary (which are within the ownership of no. 1) restricting views given that they have heights of 7 metres whereas the top of the first floor windows to plots 38 and 39 would be below 5 metres when taken from the ground level.

The north-eastern (side) elevation of plot 37 would be set 3 metres from the shared boundary with no. 1 The Green and in excess of 72 metres from its rear elevation. Consequently this plot would have no adverse overbearing, overshadowing or overlooking implications to the amenities of no. 1.

Properties situated on the south-eastern side of Ashby Road, as well as those on The Crescent, would not be adversely impacted on by the proposed residential dwellings to be situated on the north-western side of Ashby Road given the relevant separation distances and the retention of mature tree planting along Ashby Road which fall outside the application site.

With regards to the village hall this would be set in excess of 60 metres from no. 5 The Crescent, being the closest residential receptor, which would ensure that this element of the scheme would not result in any adverse overbearing, overshadowing or overlooking implications to neighbouring amenities.

In respect of noise or smell implications the Council's Environmental Protection Team have been consulted and have raised no objections to the application. Should any statutory noise or smell issues arise in the future then the Council's Environmental Protection Team could investigate these matters under separate legislation. It is also the case that future occupants of plots 39 and 40 would be aware of the relationship with the Holly Bush public house prior to their purchase.

Headlights to vehicles exiting the site would also not cause severe detriment to the amenities of nos. 7 and 9 Ashby Road given the separation distance (35 metres), the fact these dwellings are off-set from the proposed access, the finished floor level of the dwellings being higher than Ashby Road and the presence of vegetation to the road side boundary.

It is considered that the relationship between the proposed dwellings and existing built forms, as well as the relationship between the proposed dwellings themselves, would be acceptable given the relevant separation distances. Trees of a mature stature would be retained in close proximity to plots 6, 10, 11, 25, 26, 37, 38 and 39 and as such it is inevitable that shadowing implications would occur to these plots at various parts of the day. Given that the proposed layout has ensured that these plots and their associated amenity areas are located in the most optimum locations, so as to lessen this impact, it is considered that the extent of shadowing would not be sufficiently detrimental as to warrant a refusal of the application. It is also the case that any future occupants of these plots would be aware of this relationship prior to their purchase.

Overall the proposal would adhere to Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF.

Highway Safety

The County Highways Authority (CHA) have been consulted on the application with their comments being based on guidance within the Leicestershire Highways Design Guide (LHDG).

It is proposed that the existing access to Breedon Priory Nurseries would be utilised to provide vehicular access to the residential development and village hall, with this access also continuing to serve the golf club, with the access being upgraded so as to ensure that vehicles entering and exiting the site can pass each other clear of Ashby Road. Vehicular visibility splays of 2.4 metres by 65 metres in both directions would also be provided which would be in accordance with the LHDG.

Initially a mini-roundabout was proposed on Ashby Road, at the site access, in order to assist with vehicular movements into and out of the site, however the CHA determined that this was not an acceptable solution on the basis that measured vehicle speeds were in excess of 35mph and consequently such a proposal would compromise highway safety. As such the plans have been amended so as to propose a ghost right turn access within Ashby Road so as to ensure that vehicles wishing to enter the site when travelling out of Breedon on the Hill towards Lount and Ashby De La Zouch would be clear of the highway, this is so as to ensure that they do not disrupt the free and safe movement of vehicles on Ashby Road. The provision of the ghost right turn access is acceptable to the CHA.

A Stage 1 Road Safety Audit (RSA), submitted to support the provision of the ghost right turn access, has identified that vehicular speeds at the point of the access are in excess of the speed limit of 30 mph (85th percentile speeds of 38mph and 37mph were evidenced by the speed surveys) with there being visibility implications at the pedestrian crossing point on the internal access road due to the trees within the presence of the trees along the Ashby Road boundary of the site. In order to address these problems the CHA have specified that a condition would be imposed on any permission granted to secure a traffic calming scheme with the CHA considering that the pedestrian visibility splays at the pedestrian crossing could be secured at the detailed design stage for highway works.

A condition would also be imposed so as to close of the existing 'exit' from Breedon Priory Nurseries located at the junction of Ashby Road with The Green.

With regards to the internal layout the CHA have commented that in order for the road to be adopted it must comply with the LHDG. At this stage the following issues remain unresolved in relation to the suitability of the highway for adoption:

- A minimum of 1m hard bound service margins is required on the western side of the spine road from the terminal point in the vicinity of the site access to the golf club access road;
- The provision of a speed control table between Ashby Road and the bend in the vicinity of plot 3 so as to achieve a 20 mph design speed; and
- That the width of the private drives adjacent to plots 1 and 4 need to be increased.

They have also stated that a clear pedestrian link to the village hall should be provided.

It is considered that the most recent site plan (ref: 3253-40 Revision GG) outlines the provision of a speed control table in the correct position, the provision of service margin on the spine road to the golf club and an access width to plots 1 and 5 (not 4 as specified by the CHA) which would accord with LHDG guidance. It is also considered that the site plan shows a pedestrian link to the village hall. Reconsultation has, however, been undertaken with the CHA to ensure that they are satisfied the amendments meet their requirements.

Although a response to this consultation remains outstanding it is considered that the unresolved matters are minimum and are associated with the internal road and its suitability for adoption. Therefore it is reasonable to conclude, at this time, that the CHA do not object to the application in respect of its implications to highway and pedestrian safety or its impact on the highway network. Any response received from the CHA will be reported to Members via the Committee update sheet.

Whilst acknowledging the concerns raised by third parties associated with highway safety, including the suitability of vehicles reversing off private drives into and over the proposed ghost right turn access from properties on the south-eastern side of Ashby Road, such concerns are not shared by the CHA.

Paragraph 109 of the NPPF outlines that development should only be *"prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* Given that the CHA do not object to the application, with regards to its impact on pedestrian and highway safety and the highway network, nor would the cumulative impacts of development be severe it is considered that a reason to refuse the application could not be sustained. On the basis the proposal would accord with Policy IF4 of the adopted Local Plan as well as Paragraphs 108, 109 and 110 of the NPPF.

With regards to off-street parking for the dwellings the Council's adopted Good Design SPD and the LHDG outline that a minimum of two spaces for a dwelling with between 1 and 3 bedrooms and three spaces for a dwelling with 4+ bedrooms will be required. It is considered that the plans as submitted have demonstrated that a sufficient level of off-street parking would be provided for each property with such spaces, including garage spaces, meeting the dimensions required by the LHDG which will ensure they can be utilised. The majority of spaces are also conveniently located, so as to encourage their use, with the risk of displaced parking for spaces which are situated to the rear of dwellings (i.e. plot 3) being reduced by the provision of pathways from such spaces to an external door. Windows to habitable rooms are also provided within elevations which would observe the off-street parking spaces. On balance the off-street parking for all properties would be conveniently located, so as to be usable by future occupants,

with a sufficient level of off-street parking being provided.

In terms of the village hall element of the development the submitted plans identify that 15 car parking spaces would be provided (three of which are disability spaces) with a parking accumulation survey being submitted to quantify this level of off-street parking provision. This has been assessed and is considered acceptable to the CHA. A condition would also be imposed for a secure cycle parking facility to be provided as whilst the plans specify the provision of such a facility the precise details are not known at this time. The provision of such a facility would also encourage more sustainable forms of transport to and from the site.

Whilst there is a potential that during larger organised events on-street parking may occur, particularly on The Green and the internal highways, it is considered that such events would likely be hosted by the Parish Council (who will be the owners of the village hall) and consequently it is probable that parking will be appropriately managed given that if problems were to occur the Parish Council would likely be the first point of contact for any complainant. Also events hosted by the Parish Council are likely to be attended by people who reside in the settlement and consequently the village hall is located so as to be easily accessible by foot to most of its parishioners.

Overall, in respect of off-street parking, it is considered that the limited implications for on-street parking to occur during larger events held at the village hall would not result in 'unacceptable' or 'severe' detriment to pedestrian or highway safety and therefore the proposal would accord with Policy IF7 of the adopted Local Plan and Paragraph 105 of the NPPF.

Ecology

The proposal will result in the demolition of existing buildings with the site also containing numerous trees as well as ponds, such features could be used by European Protected Species (EPS) or nationally protected species.

As part of the consideration of the application the County Council Ecologist has been consulted. Following their assessment of the ecological appraisals which have been submitted in support of the application and, following amendments to the plans, they have raised no objections subject to the imposition of conditions on any permission to be granted.

Such conditions would seek to secure the retention of a veteran tree and hedges, as well the provision of a Sustainable Urban Drainage System (SuDS), a suitable soft landscaping scheme, a suitable lighting scheme and a landscape and ecology management plan.

It is considered that conditions can be imposed on any permission granted to secure these requests with the only omission being the retention of the Common Ash identified as T1 on the Tree Survey Plan as this is outside the boundaries of the application site.

On the above basis the proposal would accord with Policy En1 of the adopted Local Plan, Paragraphs 170 and 175 of the NPPF and Circular 06/05.

Landscaping

A tree survey and arboricultural impact report has been submitted in support of the application which outlines that there are 28 individual trees and 36 groups of trees present on the site, and as part of the development it is intended that 17 individual trees and 25 groups of trees would need to be removed to facilitate the development. Of the individual trees to be removed six would be rated as category B trees (moderate quality with a life expectancy of at least 20 years). All other individual trees and groups of trees to be removed would be rated category C

or U (low quality with a life expectancy of 10 years or not suitable for retention).

Whilst trees of moderate quality would be removed to facilitate the development it is considered that the majority of these trees are already compromised by their relationships with existing built forms or hard surfaces which therefore impacts on their longevity. Although, therefore, other trees would be removed which are not currently compromised it is considered that the contribution these trees make to the visual amenities of the wider environment would not be of such significance that they should act as a constraint to the development, particularly given that it would be possible as part of any planning permission to seek replacement planting of more appropriate tree species which would integrate better with the residential development.

Criterion (c) of Paragraph 175 of the NPPF outlines that "*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons,*" with Policy En1 of the adopted Local Plan also outlining that developments which results in significant harm to, amongst other things, veteran trees (criterion (g) of Policy En1) will be refused. It is noted on the 'Ecology' section of this report above that a Common Ash (identified as tree T18 on the Tree Survey plan) is recognised as a veteran tree and therefore an assessment is required as to the relationship this tree would have with the proposed development.

The Common Ash is positioned within the garden associated with plot 37 being set to the south-east of its rear elevation, with this tree also being set to the north-east of plots 25 and 26. The root protection area (RPA) of this tree would extend into areas associated with plots 25 and 37 as well as where the village hall would be located. Although the built forms within this RPA would be limited to the detached garage associated with plot 25, a corner of the proposed village hall and the rear part of the substation, it is considered that the imposition of a condition requiring details of the foundation construction for these built forms would ensure that the roots of the tree would not be significantly compromised. It is also the case that the canopy of this tree would extend into what would become the private amenity area associated with plots 25 and 37, the extent of which would be set in close proximity to the rear elevation of plot 37. It is considered that some works to the canopy of this tree, as well as some crown lifting, would need to be undertaken so as to enhance the relationship and such works would be a condition on any consent granted. Such works would also reduce the leaf litter generated by this tree. It is considered that such works in order to enhance the relationship would not be of such significance that the overall integrity of this tree would be significantly compromised and would ensure that it is retained. With regards to shading implications it is considered that the tree is set to the north-east of plots 25 and 26 and consequently no significant shading implications would be experienced by residents of these particular plots. In terms of plot 37 the position of the tree will lead to some shading impacts being experienced within the property, as well as its associated private amenity area, however these impacts would only be most apparent in the morning hours.

Given that the impact of shading would only be experienced at a particular part of the day, and that large window openings are proposed to the open plan kitchen/dining and living room at ground floor level and bedrooms at first floor level in order to increase the amount of natural light emitted into the property, it is considered that the overall relationship would be acceptable and that the tree would be protected from any unnecessary pressure for removal. Any future occupant of plot 37 would also be aware of the relationship with the retained tree prior to their purchase.

Plots 10 and 11 would be impacted on by their relationship with G54 (Common Alder) but given the overall size of the rear amenity areas associated with these plots the extent of shading

would not result in a significant impact. It would, however, be beneficial for some arboricultural works to be undertaken to this group of trees, either to lift the canopy or slightly reduce the height, so as to minimise the overall impact. A condition could be imposed to secure these works and is recommended.

Plots 38 and 39 would be impacted on by their relationship with G12 (Leyland Cypress), however, the canopy spread of the trees forming this hedge and extent of shading from this hedge would not impact on a significant section of the private rear amenity area to these plots, and therefore there would be no unnecessary pressure for removal of this hedge. In any event it is recognised that this hedge is situated outside the application site and is therefore not within the control of the applicant.

To a lesser extent the rear amenity area of plots 38 and 39 would be impacted on by their relationship with G12 (Leyland Cypress Hedge), however the canopy spread of the trees forming this hedge and extent of shading from this hedge would not impact on a significant section of the private rear amenity area to this plots, and therefore there would be no unnecessary pressure for removal of this hedge. In any event it is recognised that this hedge is situated outside the application site and is therefore not within the control of the applicant.

The relationship between plot 6 and G53 (Common Alder) would be acceptable as the group of trees is situated to the north-west.

Overall the proposal would accord with Policies D1 and En1 of the adopted Local Plan and Paragraph 175 of the NPPF.

Drainage and Flood Risk

The site lies within Flood Zone 1 and is therefore in an area at the lowest risk of flooding. The majority of the site also has a very low potential for surface water flooding to occur, based on the Environment Agency's Surface Water Flood Map, although certain parts do have medium or high potential for surface water flooding to occur; these areas mainly being concentrated along the boundary with Ashby Road and in the area of land to the immediate north-west of the junction of Melbourne Lane with Ashby Road.

A flood risk assessment (FRA) was submitted in support of the original application and throughout the course of the application a flood modelling report, drainage long sections and drainage layout plan have been submitted to address the concerns of the Lead Local Flood Authority (LLFA). On the basis of the most recent information the LLFA have removed their objection subject to the imposition of conditions on any permission granted so as to ensure that a precise surface water drainage scheme is submitted, that a surface water management plan is in place during the construction stage, that a long-term maintenance and management plan for the surface water drainage solution is agreed and that the precise details of the attenuation basins are agreed. On the basis that such conditions are imposed on any permission granted it is considered that the proposal would be compliant with Policies Cc2 and Cc3 of the adopted Local Plan as well as Paragraph 163 of the NPPF.

The above comments have been supplied by the LLFA following their consideration of the flood report (Breedon on the Hill Flood Report) produced by the County Council after their investigations into the summer 2016 flooding events within the settlement. On the basis that the findings of this report have been factored into the assessment undertaken by the LLFA they are satisfied that the proposed development would not exacerbate flooding within the settlement.

Insofar as foul drainage is concerned, it is indicated that this would be discharged to the mains

sewer and a connection would need to be agreed with Severn Trent Water under separate legislation. Given the above conclusion it is considered that the foul drainage can be met by the existing sewerage system in place. On this basis the proposed development would accord with Paragraph 180 of the NPPF.

Archaeology

The County Council Archaeologist has outlined that the proposed development site is larger than that considered under application reference 16/01120/FULM which was subject to archaeological trial trenching on parts of the site. The findings of the trial trenching identified a system of medieval fishponds on the eastern part of the site and as such, the County Council Archaeologist recommended the imposition of conditions which required further investigation of the medieval fishponds.

In the circumstances that the development site is over a larger area the County Council Archaeologist considers it reasonable for conditions to be imposed, on any permission granted, to not only further investigate the medieval ponds but also that trial trenching and geophysical survey be undertaken on the parts of the site which were not previously investigated.

Given the archaeological significance of the site it is considered that the imposition of the suggested conditions of the County Council Archaeologist is necessary to ensure the development complies with the aims of Policy He1 of the adopted Local Plan as well as Paragraph 199 of the NPPF.

Land Contamination

The Council's Land Contamination Officer has reviewed the submitted ground investigation report and supplementary ground investigation report and has raised no objections to the application subject to the imposition of conditions associated with the submission of a Risk Based Land Contamination Assessment and Verification Investigation. It is considered that the imposition of such conditions is reasonable in the circumstances that the land would be utilised for residential and community purposes and therefore necessary to ensure the health and safety of any future occupants. Subject to the imposition of these conditions, the scheme would accord with Policy En6 of the adopted Local Plan and Paragraphs 178 and 179 of the NPPF.

Developer Contributions

A request has been made for Section 106 contributions towards affordable housing and health services, it is also likely that transportation contributions will be sought once the County Highways Authority (CHA) provide their final response. These requests have been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations) as well as Policy IF1 of the adopted Local Plan and Paragraphs 34, 54 and 56 of the NPPF.

The requested development contributions are listed below.

Affordable Housing

Policy H4 of the adopted Local Plan outlines that the affordable housing contribution on a scheme of 11 or more dwellings, or where the gross floor space of the development exceeds 1000 square metres, proposed on greenfield site within Breedon on the Hill is 30% with the contribution on previously developed land being 5% where the scheme proposes 30 dwellings or more or where the site area is greater than 1 hectare. It is noted that the development site comprises development on both greenfield and previously developed land.

The Council's Affordable Housing Enabler has been consulted on the application has advised

that the proposed mix, comprising 4 x 2 bed rented and 1 x 3 bed shared ownership dwellings, would be acceptable. On this basis it is considered that the scheme would be compliant with Policy H4 of the adopted Local Plan. Details of when the affordable units would be delivered along with the arrangements for the transfer to a Registered Provider would be agreed separately under the provisions of the Section 106 agreement.

Health

The West Leicestershire Clinical Commissioning Group has requested a contribution of £21,549.66 for improvements to the Castle Donington Surgery on Borough Street which would be required to accommodate the additional patients (103 based on the average household size of 2.4 people) generated by this development. It is considered that such a request is reasonable due to the additional demands placed upon this service.

University Hospitals of Leicester NHS Trust ('The Trust') have requested a contribution of £17,395.00 in order to bridge a gap in the funding created by each potential patient from the development in respect of Accident and Emergency (A&E) and planned care within the Leicester, Leicestershire and Rutland area.

Whilst such a request has been made the evidence to justify the contribution is not robust particularly given that the estimate of the population of the District is in excess of the actual figure, and the calculations do not break down the number of residents of Breedon on the Hill who previously attended A&E departments or received planned care within the administrative area of The Trust. It is also the case that Breedon on the Hill sits in close proximity to the county border between Leicestershire and Derbyshire and consequently residents of this settlement could easily utilise hospitals within the University Hospitals of Derby and Burton NHS Trust administrative area, rather than those within Leicestershire, with the evidence not taking this into account. Paragraph 56 outlines the tests which should be met in order for a planning obligation to be sought and, at this time, it is considered that the request of The Trust does not meet the criteria identified. On this basis the contribution will not be sought.

Education

Leicestershire County Council (Education) have outlined that a contribution towards education will not be required to mitigate the impacts of the development on education provision at Breedon on the Hill St Hardulphs Church of England Primary School, Worthington Primary School, Castle Donington College or Ashby School (the nearest schools which would facilitate pupils associated with the development) given that there are surplus pupil places at these schools as a result of contributions secured via Section 106 agreements for other developments within the District.

Other Contributions

Leicestershire County Council have outlined that no contributions will be required to mitigate the impacts of the development on the nearest civic amenity service to the site (being Lount) or library services.

The applicant has confirmed their intention to provide the contributions which have been requested.

Insofar as the various developer contributions is concerned the view is taken that the proposed contributions would comply with the relevant policy and legislative tests as set out in Policy IF1 of the adopted Local Plan, Circular 05/95, the CIL Regulations and the NPPF.

Play Area/Open Space

Policy IF3 of the adopted Local Plan outlines that on-site play provision and open space, or any off-site contribution, would only be applicable on development proposals of 50 dwellings or more and as such none would be required as part of this proposal which only equates to 43 dwellings. In any event it is possible that the development would provide some recreational and leisure benefits due to the varying uses which could be undertaken at the village hall to be provided as part of the development and this would accord with the intentions of Paragraph 92 of the NPPF.

Whilst noting the request of Breedon on the Hill Parish Council for a financial contribution (£10,000) to be provided towards the refurbishment of play equipment within the settlement, as well as third party comments requesting the provision of allotments, it is outlined above that in Policy terms a development of this scale would not be required to provide on-site play provision and open space, or an off-site contribution, and consequently the request for such a contribution would not meet the tests outlined in Paragraph 56 of the NPPF.

Other Matters

In terms of the issues raised by third parties which have not been addressed above it is considered that the lack of broadband speed within the existing village is a matter which would be addressed by the relevant telecommunications companies responsible for the provision of such a service. Such companies would be responsible for the provision of broadband to the new properties, should they request such a connection, and at this time they would have to ensure that their advertised estimated speeds are adhered to or carry out improvements to the network. Therefore, the provision of new dwellings, would not impact on broadband speeds experienced within the settlement. In any event this matter is not a material planning consideration and is given no weight.

In respect of the concerns raised regarding inaccuracies in the application submission and lack of detail within the supporting documentation, the submitted information together with all of the information gathered when undertaking the site visit and assessing the application have allowed for the application to be fully and adequately assessed in accordance with relevant planning policies.

There is no policy requirement, within the adopted Local Plan and NPPF, which would require the new dwellings and village hall to be constructed so as to utilise renewable sources for their power consumption and consequently this would be a matter for the individual home owner, or Parish Council in terms of the village hall, to consider at a later stage.

The fact that other houses within the settlement remain unsold does not provide a basis that no further development should not be allowed as it is a fundamental tenet of the planning system that each application be assessed on its own merits.

The clearance of asbestos is covered under separate legislation, as set out in the Special Waste Regulations 1996.

Conclusion

The application site is outside the Limits to Development but would comprise development which would be concentrated largely on previously development land (PDL) and consequently would be acceptable in the context of Policies of the adopted Local Plan and Paragraphs of the NPPF. The provision of eight dwellings on a part of the site which would be classed as greenfield would, in this instance, be outweighed by the positive social and economic benefits of the development (including an over provision of affordable housing and new village hall) as well as the limited environmental impacts which would arise due to the substantial concentration of

development on PDL and the biodiversity enhancements which could be undertaken. Overall, therefore, the principle of the development is acceptable.

Subject to conditions it is also considered that the proposal would not have any significantly detrimental impacts to the character and appearance of the streetscape or wider area, the setting of heritage assets, highway safety, residential amenity, ecology, landscaping, archaeology and contaminated land, nor would the proposal further exacerbate any localised flooding issues. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions and the completion of a Section 106 agreement, is considered acceptable for the purposes of the above-mentioned policies.

It is therefore recommended that planning permission be granted subject to the conditions listed below, and subject to planning obligations to secure the contributions as set out above.

RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT AND THE RECEIPT OF FURTHER COMMENTS FROM THE COUNTY HIGHWAYS AUTHORITY;

1. Time limit.
2. Approved plans.
3. Village hall development commenced prior to 21st occupation and completed prior to 35th occupation.
4. External materials.
5. Design detailing.
6. Colour finish to rainwater goods and external meter boxes.
7. Soft landscaping scheme.
8. Replacement planting.
9. Tree and hedge protection plan during construction.
10. Scheme of works to trees T18 and G54.
11. Foundation construction to plot 37, detached garage to plot 25 and village hall.
12. Hard landscaping scheme.
13. Precise details of kerbing and channel blocks to internal highways.
14. Boundary treatments.
15. Precise elevation detail of stone and brick boundary walls.
16. Highway safety.
17. Surface water drainage.
18. Archaeology.
19. Contaminated land.
20. Verification investigation.
21. Bin collection areas.
22. Finished floor and ground levels.
23. External lighting.
24. Removal of permitted development rights to plots 25, 37, 38 and 39.
25. Scheme of biodiversity enhancements and retention of existing ecological features.
26. Management of retained ecological features and biodiversity enhancements.

This page is intentionally left blank

**Erection of 49 dwellings with on-site National Forest planting, areas of open space and associated highways and drainage infrastructure (Reserved matters to outline planning permission 13/00956/OUTM)
Land To The South Of Grange Road Hugglescote
Leicestershire**

**Report Item No
A2**

**Application Reference
18/00341/REMM**

**Grid Reference (E) 443399
Grid Reference (N) 312592**

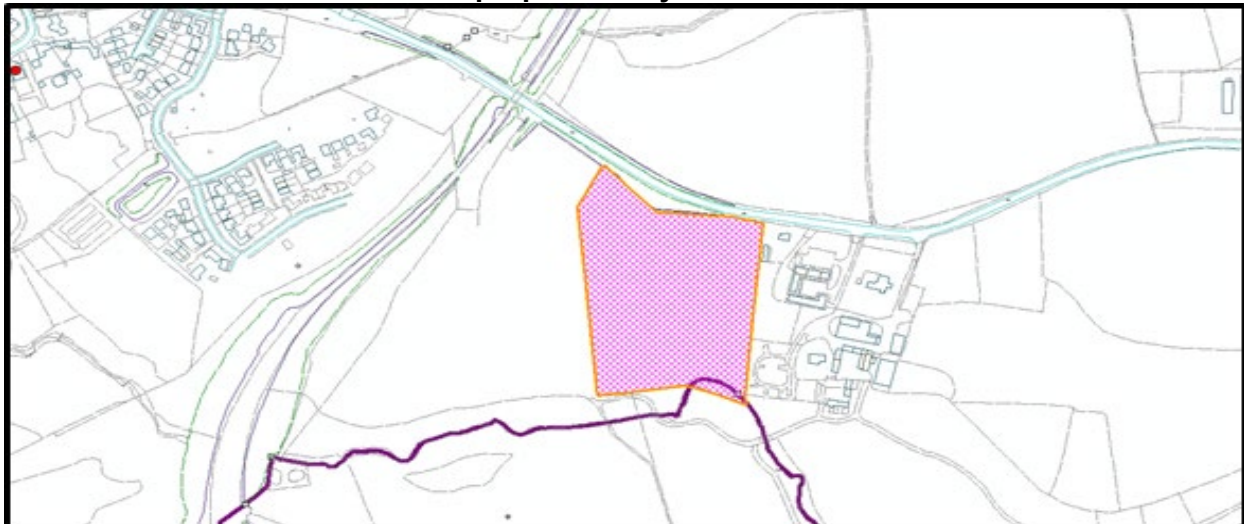
**Date Registered:
30 August 2018
Consultation Expiry:
26 April 2019
8 Week Date:
29 November 2018
Extension of Time:
16 August 2019**

**Applicant:
Cadeby Homes Ltd**

**Case Officer:
James Knightley**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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

Executive Summary of Proposals and Recommendation

Call In

The application is referred to the Planning Committee for determination on the basis of the Planning Committee resolution of 2 December 2014 in respect of the outline planning permission for the wider South East Coalville development.

Proposal

This is a reserved matters application for the erection of 49 dwellings and associated development, forming part of the wider South East Coalville development.

Consultations

Objections have been received from Hugglescote and Donington le Heath Parish Council in respect of the proposals. The County Highway Authority had previously raised concerns in respect of some aspects of the scheme (and including the detailed site access junction), but these concerns have now been addressed to the County Council's satisfaction, and no objections are raised.

Planning Policy

The application site lies within Limits to Development as defined in the adopted Local Plan and is also identified as a site with planning permission for housing under Policy H1.

Conclusion

The proposed development is considered to represent an appropriate form of development in accordance with the outline planning permission, and would provide for an acceptable standard of design to meet the Local Planning Authority's design objectives.

RECOMMENDATION:-

PERMIT, SUBJECT TO CONDITIONS

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

MAIN REPORT

1. Proposals and Background

This is a reserved matters application for the erection of 49 dwellings on a site of 2.77 hectares forming part of the wider South East Coalville development.

The original outline planning permission (ref. 13/00956/OUTM) was determined at the Planning Committee in December 2014, and issued in September 2016 following completion of a Section 106 obligation securing contributions including in respect of affordable housing, travel plans, travel packs, bus passes, children's play / public open space / recreation, biodiversity enhancement, education, civic amenity, libraries and healthcare. An associated Section 278 agreement between the applicants and Leicestershire County Council secured contributions towards off-site highways infrastructure.

All matters were reserved for subsequent approval, and all five reserved matters for the phase to which this application relates (i.e. access, appearance, landscaping, layout and scale) are included for consideration as part of this reserved matters submission. However, the outline planning permission was accompanied by an indicative development framework plan indicating the general location of built development, open space and highway infrastructure within the site, and has subsequently been subject to approved discharge of condition submissions in respect of a site-wide masterplan, Design Code and a vehicular access strategy.

As per the site-wide masterplan, the scheme would provide for areas of public open space (and which are shown as including balancing facilities) at the southern edge of the parcel, close to the River Sence.

2. Publicity

15 Neighbours have been notified.

Site Notice displayed 13 September 2018.

Press Notice published Leicester Mercury 19 September 2018.

3. Summary of Consultations and Representations Received

Environment Agency has no objections subject to conditions

Ellistown and Battleflat Parish Council - no comments received

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

- Unsafe access
- Insufficient affordable housing
- One of the proposed house type's bedroom is smaller than the bathroom and should therefore be identified as a box room instead
- Housing mix not in accordance with the HEDNA
- Play area not shown on plans - contribution of £1,400 per dwelling is requested in lieu of on-site provision
- Site does not include a continuous route for buses as required by the outline permission
- Developer should be required to replace hedging removed without consent
- Archaeological impacts - whole of archaeological interest area should be fenced off during construction
- Pumping station must comply with Severn Trent Water cordon sanitaire

Leicestershire County Council Lead Local Flood Authority has no objections

Leicestershire County Council Highway Authority final comments awaited

Leicestershire County Council Rights of Way requests amendments to proposed rights of way diversion route surfacing

Leicestershire Police makes a number of recommendations in respect of reducing the opportunities for crime

National Forest Company has no objections, but suggests some minor alterations to the proposed landscaping.

North West Leicestershire District Council Strategic Housing team has no objections

North West Leicestershire District Council Urban Designer has no objections subject to conditions

North West Leicestershire District Council Waste Services Team requests further information in respect of the availability of access for waste vehicles

Third Party Representations

None

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraphs 8, 11 and 12 (Achieving sustainable development)

Paragraphs 47, 54 and 55 (Decision-making)

Paragraphs 106, 109 and 110 (Promoting sustainable transport)

Paragraphs 122 and 123 (Making effective use of land)

Paragraphs 124, 127, 128, 129 and 130 (Achieving well-designed places)

Paragraph 165 (Meeting the challenge of climate change, flooding and coastal change)

Further advice is provided within the MHCLG's Planning Practice Guidance.

Adopted North West Leicestershire Local Plan (2017)

The application site lies within Limits to Development as defined in the adopted Local Plan and is also identified as a site with planning permission for housing under Policy H1 (site H1h). The following adopted Local Plan policies are considered relevant to the determination of this application:

Policy D1 - Design of new development

Policy D2 - Amenity

Policy H6 - House types and mix
 Policy IF1 - Development and Infrastructure
 Policy IF3 - Open Space, Sport and Recreation Facilities
 Policy IF4 - Transport Infrastructure and new development
 Policy IF7 - Parking provision and new development

Ellistown and Battleflat Neighbourhood Plan (2019)

That part of the application site south of the River Sence falls within the Plan area. That part of the application site falling within the Plan area lies within Limits to Development as defined in the adopted Neighbourhood Plan and is also identified as part of the South East Coalville Development Scheme site under Policy S3.

The following Neighbourhood Plan policies are considered relevant to this application:

Policy S1 - Ellistown Limits to Development
 Policy S3 - South East Coalville Development Scheme
 Policy NE3 - Trees and Hedgerows

Other Policies

Good Design for North West Leicestershire SPD

Leicestershire Highways Design Guide

5. Assessment

Principle of Development

The principle of development on this site for residential purposes was established by the grant of the original outline planning permission in September 2016 and, as a submission for reserved matters approval, the present application essentially seeks agreement of details in respect of the access, appearance, landscaping, layout and scale. Assessment of this application should therefore relate to the implications of the particular scheme proposed under this reserved matters application; issues relating to the principle of the development and associated matters are not relevant to this application.

Other Matters Relating to the Outline Planning Permission

In addition to a range of conditions requiring submission and approval of details in respect of various matters prior to trigger points such as commencement / occupation etc., the outline planning permission also requires certain matters to be included as part of the reserved matters application(s) (either for the site as a whole or the relevant phase). These conditions include requirements in respect of: provision of a masterplan (Condition 5); a Design Code (Condition 8); a statement setting out how the Design Code has been complied with (Condition 9); details of modelling and buffer works relating to the River Sence (Conditions 11 and 16); a vehicular access strategy (Condition 27); a site-specific Travel Plan for the relevant phase (Condition 31); and details of continuous routes suitable for buses (Conditions 32 and 33). However, whilst these conditions generally require these matters to be submitted with the first reserved matters application for the relevant phase, the consortium has already sought to address the majority of these on a site-wide basis under separate (approved) discharge of condition applications, and the submission requirements under Conditions 5, 8, 11, 16 and 27 have, in effect, already been

complied with. In terms of the remaining conditions referred to above, the following conclusions are reached:

Condition 9: In accordance with the condition, the application is accompanied by a statement setting out how, in the applicant's view, the scheme meets the requirements of the approved Design Code, and the requirements of the condition are met. Officers' assessment of the scheme's performance against the Code is set out in more detail under Urban Form, Design and Site Layout below.

Condition 31: The application is accompanied by a Travel Plan; further assessment is set out under Highway Safety, Transportation and Access Issues below.

Condition 33: The application documents include a copy of the approved vehicular access strategy which contains details intended to demonstrate that the scheme would provide two continuous routes suitable for bus use through land to the southern side of Grange Road. To the west of the cul de sac proposed to serve the development the subject of the current application, it is proposed to provide a bus route from a proposed ghost island priority junction onto Grange Road and which would connect through the western section of that part of the South East Coalville development to the south of Grange Road to Beveridge Lane (at the recently constructed roundabout adjacent to the western end of the Amazon unit). Similarly, a route through the eastern section of that part of the South East Coalville development to the south of Grange Road to Beveridge Lane would connect from a new roundabout on Grange Road to a new one on Beveridge Lane (to the north of the Amazon unit). These details comply with the approved Vehicular Access Strategy and are considered appropriate. As such, the scheme is considered acceptable in this regard. [NB Condition 32 provides for equivalent requirements in respect of land north of Grange Road, and no submission is therefore required in connection with this parcel; this was previously addressed under reserved matters application ref. 18/00375/REMM.]

Urban Form, Design and Site Layout

The proposed development would provide for a total of 49 dwellings, equating to a gross site density of 18 dwellings per hectare (or a net density of approximately 28 dwellings per hectare). Paragraph 122 of the NPPF requires development to make efficient use of land; the density of the proposed development would, when having regard to the location of the development and the implications of meeting the District Council's design policies, be considered reasonable in this location.

The scheme is essentially intended as a landscape-led development in accordance with the principles set out in the agreed Design Code for the site as a whole and the landscaping proposed would accord with the street typologies approved under the Code. During the course of the application, the scheme has been the subject of discussions between officers and the applicant, intended to address a number of concerns raised by the District Council's Urban Designer in respect of the Design Code compliance of the originally submitted scheme. In particular, the Urban Designer had requested that amendments be made in respect of:

- Ensuring normally dry SuDS features would be integrated into the public open space;
- Provision of front doors to the higher order street on corner plots;
- Provision of suitable fenestration for corner turning units;
- Addressing potential displaced parking issues caused by location of spaces on relation to the front door of the dwelling served; and
- Provision of enhanced pedestrian connections between the proposed houses and adjacent diverted rights of way

Following the various amendments, the Urban Designer confirms that his concerns are now addressed. He also considers that the scheme is consistent with the masterplan and is Design Code compliant and, as the masterplan and Code have been produced and approved with Building for Life 12 in mind, it can be concluded that the scheme would also perform well against Building for Life 12, subject to the imposition of conditions to address more detailed issues (including, for example, treatment of boundaries, landscaping and materials). Insofar as the issues raised in respect of the usability of the SuDS features are concerned, it is also noted that drainage is in effect covered by conditions attached to the outline planning permission, and the form of the SuDS would need to be agreed separately from the reserved matters process; public open space provision is addressed in the Section 106 agreement entered into in respect of the outline planning permission.

During the course of the application (and in order to address issues of the suitability of the proposed roads for adoption by the County Highway Authority given the gradient of the site) the applicant has amended the proposed scheme's levels. In order to ensure that the proposed private drive adjacent to the SuDS retains suitable turning space, the addition of a retaining feature is proposed, provided in the form of a terrace of two gabion walls, with the tallest being 1m in height. The agent has worked with the Local Planning Authority to seek to minimise the visual impact of this structure and, to this end, intends to use granite within the gabions, and has submitted a detailed landscaping scheme showing how this area of the site would be treated. The landscaping proposed has also been designed so as to discourage access to the area between the gabions and SuDS features in order to ensure that the "stepping" of the site levels would not result in a partially hidden area of the site which could then become a source of anti-social behaviour. The proposed solution is, officers consider, an acceptable approach to enabling the practical development of the site whilst not adversely affecting its design.

In terms of housing mix issues, Local Plan Policy H6 requires a mix of housing types, size and tenure to meet the identified needs of the community. Whilst tenure is in effect addressed by the existing Section 106 obligations securing affordable housing (7.5%) as part of the development, Policy H6 refers to the need to have regard to the most up-to-date Housing and Economic Development Needs Assessment (HEDNA), and sets out the range of dwelling size (in terms of numbers of bedrooms) identified as appropriate in the HEDNA as follows:

<i>Tenure</i>	<i>No. of Bedrooms (% of each tenure type)</i>			
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4+</i>
Market	0-10	30-40	45-55	10-20
Affordable	30-35	35-40	25-30	5-10

The submitted scheme proposes the following (%):

<i>Tenure</i>	<i>No. of Bedrooms</i>			
	<i>1</i>	<i>2</i>	<i>3</i>	<i>4+</i>
Market	-	17.8	15.6	66.7
Affordable	-	100	-	-

In terms of the proposed affordable housing, it is accepted that, with only four affordable units, meaningful comparison against the HEDNA suggested mix is difficult. Insofar as the market housing is concerned, it can be seen that this would be weighted more towards larger units than as suggested in the HEDNA (although it is acknowledged that Policy H6 indicates that the HEDNA mix is one of a number of criteria to be considered when applying the policy). Policy H6

also requires a proportion of dwellings suitable for occupation by the elderly (including bungalows) for developments of 50 or more dwellings. Whilst this scheme falls below that threshold, the site is in effect part of a wider development, but none are proposed for this parcel. Whilst, in terms of the proposed market housing mix (i.e. in terms of bedroom numbers etc.), the scheme as proposed would not appear to perform particularly well against the criteria in Policy H6, it is acknowledged that Inspectors' decisions elsewhere in respect of housing mix have indicated that reserved matters applications cannot normally be used to secure a specific mix of house types (i.e. as housing mix is not, in itself, a reserved matter).

In terms of affordable housing generally, as set out above, the Section 106 agreement requires the provision of a minimum of 7.5% of the proposed dwellings to be affordable; whilst the need to comply with the terms of the Section 106 agreement is not directly relevant to the determination of this reserved matters application (and the precise nature of the proposed affordable contribution within this phase would need to be agreed separately under the provisions of the Section 106 agreement prior to commencement on the phase), it is noted that the proposed total of 4 affordable units would meet (and slightly exceed) this requirement.

Insofar as the mix of affordable units is concerned in terms of dwelling size and tenure type, this would also need to be resolved under the provisions of the Section 106 agreement, but the Strategic Housing Team nevertheless confirms that it is content with the location of the affordable properties indicated at this time (as well as the intention to provide four units within this part of the wider site). Whilst the Strategic Housing Team notes that the breakdown of the units indicated would not fully match the overall proportions identified in the Section 106 agreement, it acknowledges that, given that only four units would be provided on this portion of the wider site, a direct match against the proportions specified in the agreement would not in practice be possible. The Strategic Housing Team also advises that the units shown have been proposed following dialogue direct with the developer, and the provision of the two bed dwellings proposed is supported as it is considered to offer flexibility given current requirements of the Council's Registered Provider partners.

At this stage, therefore, the District Council's Strategic Housing team indicates that it is satisfied with the house types indicated as intending to be the affordable contribution shown on the submitted layout.

Under the provisions of the Section 106 obligation entered into at the outline stage, a significant contribution to green infrastructure (including public open space, children's play and National Forest planting) is required to be implemented (within the site as a whole). Insofar as this part of the wider site is concerned, the submitted layout broadly corresponds with the various areas of proposed green infrastructure on the indicative layout submitted at the outline stage and the subsequently approved masterplan, and would be considered to provide a suitable contribution to the network of open space proposed as part of the development's overall landscape-led approach.

Under the provisions of the Section 106 agreement, the developer for each phase of the wider development is required to agree the details of those areas of public open space etc. under that agreement prior to commencement on the relevant phase. As such, this is essentially a matter relating to discharge of planning obligations rather than the current reserved matters application. Whilst Hugglescote and Donington le Heath Parish Council has commented that, if no children's play area is provided on-site, this would need to be addressed by way of an off-site contribution, the strategy for public open space provision is already addressed under the outline planning permission and Section 106 agreement.

Highway Safety, Transportation and Access Issues

As set out above, whilst the site is subject to an agreed vehicular access strategy, the details of the proposed means of access are a reserved matter for determination as part of this application. The submitted scheme shows the proposed dwellings served via a new priority junction onto Grange Road located approximately 75m to the west of the closest existing vehicular access serving the adjacent business development.

The County Highway Authority has no objections in principle to the siting of the vehicular access in this location, and notes that (in terms of its siting) it complies with the wider site's vehicular access strategy. Whilst the County Highway Authority had previously raised a number of issues in respect of the detailed design of the access (and including in terms of the extent of its associated footway provision on the southern side of Grange Road), the County Highway Authority is now however content that the footway being constructed to the northern side of Grange Road (in association with the development of the land to that side of the road) would be sufficient. The County Highway Authority had also indicated that a 40mph speed limit would need to be provided along a stretch of Grange Road from a point located to the east of the proposed site access to the start of the extended 30mph section to the west. This is also due to be delivered in association with the current development to the northern side of Grange Road, and the relevant traffic regulation order is being progressed in accordance with the provisions of the Section 106 agreement previously entered into in respect of that site.

Following amendment of the proposed site access in accordance with the County Highway Authority's previous observations and the recommendations contained within the submitted Stage 1/2 Road Safety Audit (RSA), the County Council advises that its concerns have been addressed. Notwithstanding this, the County Highway Authority notes that one issue highlighted in the submitted RSA discusses the requirement for street lighting at the site access; whilst the County Council comments that the designer's response is noted, it indicates that any additional street lighting required in connection with the site access would be considered during the detailed design stage of the Section 278 approval process.

Similarly, a number of other technical issues were previously raised by the County Highway Authority (and including in respect of whether the internal roads would meet the County Council's requirements for being suitable for adoption by the County Council (i.e. rather than necessarily highway safety matters)). In particular (and whilst raising no objection), the County Highway Authority comments that the proposed internal roads do not fully accord with the Leicestershire Highway Design Guide, and advises that, in order to be considered for adoption by the County Council, alterations to the paving and footways associated with the proposed shared surfaces would be necessary, but also notes that it is satisfied that these changes would be able to be achieved.

Insofar as the planning issues are concerned, it is considered that these are matters more directly associated with meeting the County Highway Authority's standards for accepting roads for adoption rather than any specific safety issue. In order to ensure that its proposed estate roads are adopted by the County Highway Authority, the developer may wish to make the minor alterations identified by the County Council but, if not, there would appear to be no overriding reason why, in planning terms, the estate roads would need to be adopted subject to the implementation of some form of measures (e.g. Section 106 obligations or a similar legal agreement) so as to ensure that the roads were to function in a similar manner as adopted highway (including, for example, appropriate maintenance measures and the securing of unfettered public vehicular and pedestrian access along the roads). From the planning point of view, it would also be necessary to ensure that the proposed development's roads (whether or

not they are amended to meet Leicestershire County Council adoption standards) comply with the street typologies specified under the approved Design Code.

As set out above, (and as per the requirements of Condition 31 of the outline planning permission) the application is accompanied by a Travel Plan relating to this phase of the wider scheme, and which sets out a range of measures designed to reduce reliance on single occupancy vehicle trips (and in accordance generally with the Framework Travel Plan for the site as a whole forming part of the outline application submissions). This site-specific Travel Plan has been assessed by the County Highway Authority, and is considered acceptable.

The County Highway Authority therefore has no objections to the application subject to conditions.

A number of rights of way (Footpaths N52, N55 and N56) are affected by the proposals. N55 and N56 cross the site north east-south west (N55) and north west-south east (N56), and N52 passes east-west through the southern section of the site. Under the proposed scheme, much of the existing routes of N55 and N56 would in effect be extinguished, albeit, in addition to the new street network crossing the site, new pedestrian links are proposed along the northern and western site boundaries such that an alternative option of non-vehicular routes for users of the rights of way would still exist.

It is noted that the existing route of Footpath N56 in the northern part of the site (but which does not connect all the way to Grange Road) would be unaffected by the proposals. In order to avoid the creation of an unnecessary "spur" of surfaced footpath along this northern end of Footpath N56, the application has been amended such that this unchanged section of the route would remain unsurfaced as currently.

Leicestershire County Council's Rights of Way team had initially raised no objections to the reserved matters application but, following amendment, raised concerns over the loss of a small section of the replacement route for N55 in the north eastern corner in a subsequent alteration; the latest iteration of the site layout shows this reinstated. The Rights of Way team also suggests that, following reconfiguration of the proposed SuDS area, the opportunity for a more direct replacement route for N56 could be taken. Whilst the County Council's comments are noted, it is considered that the route now proposed adjacent to the SuDS would not be an unreasonable one for walkers, and would be acceptable in terms of the usability of the route. In terms of the amenity impacts on rights of way, it is considered that the development of the site in itself would, inevitably, have some implications on the rural character of the affected routes (which, at this point, pass through currently undeveloped agricultural land / grassland). However it is accepted that some impacts will often be unavoidable when developing a greenfield site, and it is also acknowledged that the proposals would continue to provide what would, it is considered, be likely to be pleasant non-vehicular routes for walkers etc.

The County Council's Rights of Way team also requests that tarmac surfacing be provided to all public footpath routes / diverted routes through the site. It is agreed that, in order to ensure that maximum benefit is gained in terms of encouraging journeys to be undertaken by foot, all-weather surfacing would generally be appropriate. Whilst it is appreciated that there may be differences in terms of future frequency of maintenance etc., in *planning* terms, however, there seems to be no overriding reason why a different surfacing (such as Breendon gravel) would not be just as appropriate as tarmac in terms of maximising suitability of use for all users. Moreover, in view of the rural / National Forest setting, it is considered that a visually "softer" finish may be more sensitive, and enhance the recreational value of the site. Similarly, the County Council's Rights of Way team comments that, if rights of way are proposed to be diverted along the

proposed estate roads, these ought to be surfaced in tarmac rather than block paving so as to reduce the County Council's maintenance liability. Again, however, it is not considered that this would represent a planning consideration justifying a change in materials (and, furthermore, would be likely to diminish the design quality of the scheme).

Residential Amenity

Insofar as this reserved matters application is concerned, it is considered that the principal residential amenity issues would be in respect of the impacts on the future living conditions of residents of both the proposed development and existing nearby properties. Whilst there are no *existing* neighbours considered to be materially affected by the proposals, it is noted that planning permission has recently been granted for residential development on land to the east of the site (ref. 18/02076/FUL); the two schemes have been designed with one another in mind, and are considered to include appropriate relationships between the respective sites' dwellings, providing for an acceptable level of amenity, and complying with the relevant Local Plan and SPD policies.

Other Matters

In terms of waste collection, it would be necessary to demonstrate that waste vehicles could (physically) access the site, and the District Council's Waste Services team had requested further information in respect of availability of access for waste vehicles (including turning space etc.). This has been provided within the updated submissions, and the further comments of the Waste Services team are awaited; any further response received will be reported on the Update Sheet. Should access be required by waste service vehicles along unadopted roads, some form of indemnification may be required. Subject to the applicant being able to demonstrate that a waste vehicle could enter and leave the site, this would be considered acceptable.

Concerns have been raised by Hugglescote and Donington le Heath Parish Council in respect of archaeological issues. This matter is addressed in the outline planning permission, and conditions are attached to that permission ensuring the appropriate mitigation identified as necessary in the Environmental Statement and associated archaeological assessment work is secured. The part of the wider South East Coalville site the subject of this reserved matters application does not fall within the area associated with the former Hugglescote Grange proposed to be protected under Condition 35 of the outline planning permission.

Conclusions

As set out above, the principle of the development has already been established by way of the outline planning permission, and assessment is therefore limited to those issues falling within the reserved matters.

The reserved matters scheme the subject of this application is considered to be acceptable, and previously raised design and highway safety concerns are considered to have been addressed to an acceptable degree. It is therefore recommended that reserved matters approval be granted.

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

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping (including future maintenance and management)
- 4 Hard surfacing (including provision of transition strips to proposed roads)
- 5 Materials
- 6 Boundary treatment
- 7 Tree / hedgerow protection
- 8 Levels
- 9 Pedestrian and cycle connections (including any works to public rights of way and other routes)
- 10 Car parking
- 11 External lighting
- 12 Windows, doors, rainwater goods, utility boxes, chimneys, eaves and verges
- 13 Windows to car parking areas
- 14 Bin / recycling storage and collection points
- 15 Street name plates
- 16 Retaining walls / structures
- 17 Substations / pumping stations etc.
- 18 Compliance with details approved pursuant to outline planning permission conditions (and forming part of the reserved matters submission)
- 19 Access / highways (and including mechanisms to ensure that full public access is available over proposed estate roads in the event they are not adopted by the Local Highway Authority)
- 20 Flood risk / drainage

**Change of use of A1 (shops) use to an A5 (Hot food takeaway)
use**

**Report Item No
A3**

119 Belvoir Road Coalville Leicestershire LE67 3PH

**Application Reference
19/00017/FUL**

**Grid Reference (E) 442422
Grid Reference (N) 313922**

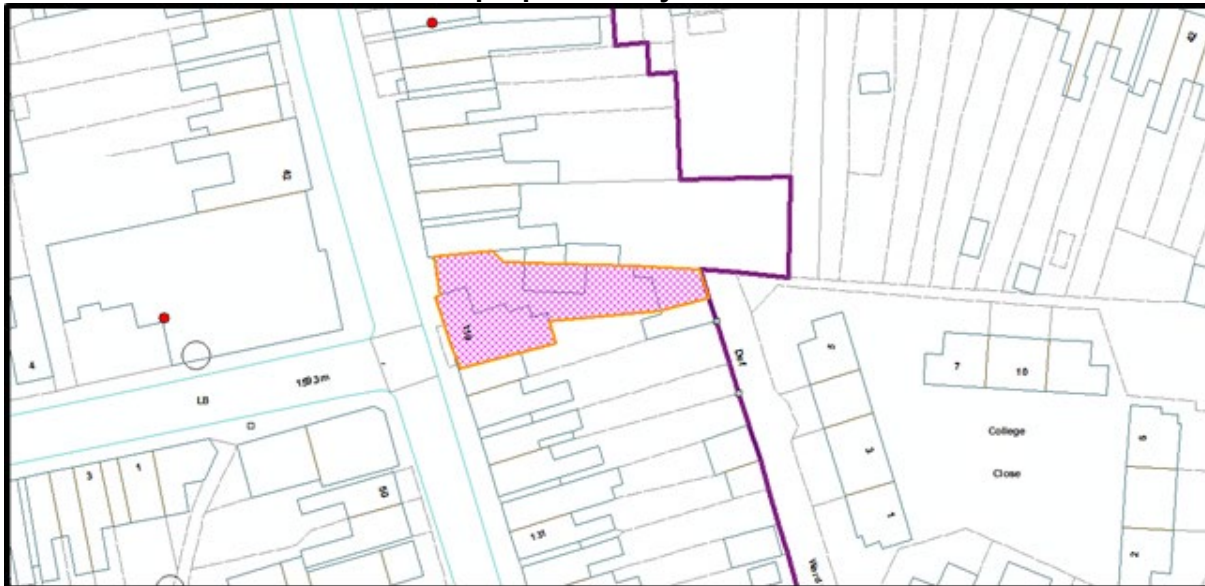
**Date Registered:
11 January 2019
Consultation Expiry:
1 May 2019
8 Week Date:
8 March 2019**

**Applicant:
Mr Mizan Uddin**

**Case Officer:
Anna Edwards**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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

Executive Summary of Proposals and Recommendation

The planning application was previously considered at the planning committee meeting which took place on the 4th June 2019. The application was deferred at this meeting pending additional information at the request of councillors. The original submission has been updated with amended scaled floor plans which show a previously missed existing window opening to the rear elevation of the food prep room; amended scaled existing and proposed elevation drawings to show the site and premises accurately depicted; specification details for soundproofing and fire boarding and details of the walls and ceilings to be treated; detail of the contractor whom will be undertaking the works; and, an updated car parking plan.

The Leicestershire Fire and Rescue Service has been consulted on the application. The consultation response states that *the fire service do not generally make comments on planning applications/consultations. As far as the Fire Service is concerned as this is only at the proposed stage there is no life risk at the premises at the moment. Once the premises is occupied if you have concerns please let us know.*

The Council's Environmental Environmental Protection and Building Control team have been consulted on the updated information. Updated comments will be reported on the Update Sheet.

The application is reported again to the Planning Committee. It is an application of significant public interest and raises matters which should be referred to the Planning Committee for consideration. Ward Councillor John Geary has called the application in for Planning Committee consideration on the grounds of highway safety and residential amenity.

Proposal

Planning permission is sought for the change of use of A1 (shops) use to an A5 (hot food takeaway) use at 119 Belvoir Road, Coalville. The proposal also includes the installation of extraction equipment located to the rear elevation.

Consultations

Statutory consultees have raised no objections to the application subject to the imposition of conditions.

Ward Councillor John Geary has called the application in for Planning Committee consideration on the grounds of highway safety and residential amenity.

Letters of objection have been received from 6 individuals. Two petitions have been received, one with 43 signatures and one with 37 signatures.

Planning Policy

The application site is located within the Limits to Development, located within Coalville Town Centre. The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the amended application details are:

- The principle of a takeaway use on the site
- Impact on visual amenity and design
- Impact on surrounding residents
- Impact on highway safety/parking

The report looks into the key planning issues in detail, and officers conclude that the details are satisfactory. The detailed scheme meets the requirements of the relevant policies of the Councils adopted Local Plan and the adopted Good Design for North West Leicestershire SPD.

RECOMMENDATION - PERMIT subject to the following 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 Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the change of use of A1 (shops) use to an A5 (hot food takeaway) use at 119 Belvoir Road, Coalville. The proposal also includes the installation of extraction equipment located to the rear elevation.

The application site comprises the ground floor of a two storey building and outside hard standing area to the eastern side of Belvoir Road, Coalville.

The premises is currently un-occupied, with the premises previously being used as a stoves and fire shop (Class A1).

The first floor of the building is used for living accommodation in the form of a flat and the neighbouring dwelling, No. 121 Belvoir Road, partially overlaps the site at first floor level, in a flying freehold arrangement.

To the north of the building is an area of hard standing, providing off road parking for the premises.

The site is situated within the defined Coalville Town Centre but located outside of the Primary Shopping Area.

There are a range of uses within the immediate vicinity of the site, including residential and commercial as well as hot food takeaways.

Internally, the layout of the existing shop would be altered to accommodate the proposed use.

Externally, the application proposes the installation of extraction equipment. This would include a flue from the kitchen at the eastern/ rear elevation of the building.

The application has been accompanied by a product specification document for the extraction unit.

Throughout the course of the application, amended and additional details have been requested by the case officer. These have been subject to full re-consultations.

No recent relevant planning history found in relation to this site.

2. Publicity

15 neighbours notified

Site Notice displayed 25 January 2019.

3. Summary of Consultations and Representations Received

Ward Councillor John Geary called the application in for planning committee consideration. The following concerns were raised in the call in request:-

- Concerns with regard to adverse impacts on residential amenity as a result of smells and general disturbance of people coming and going late in the evening;
- Highway safety concerns with regard to the lack of parking provision.

Further concerns raised by Cllr Geary during the course of the application include ensuring adequate noise insulation and fire separation.

Leicestershire County Council Highway Authority - raised no objections subject to conditions to ensure that adequate off street parking provision is made.

NWLDC Environmental Protection raised no objections subject to conditions to ensure that a noise insulation scheme is submitted and agreed and that the cleaning and maintenance of the extraction system is adhered to.

Third Party Representations

Letters of objection have been received from 6 individuals, raising the following concerns:-

Principle

- There are already a 5 Indian takeaways located in Coalville
- Legislation for the evening economy on food and drink in the Coalville area - 3 takeaways on the same street within 20 properties
- UK already statistically the most obese country in Europe. Adding more shops is encouraging people to buy takeaways

Residential amenity, noise and disturbance

- The takeaway would be situated in an area built up by a number of properties
- Traffic increase and customers would cause a massive rise in noise
- Late opening hours
- Takeaway will overlook a number of houses
- Strong odours and smells
- The flue would be downwind from daughter's bedroom window - unable to have the windows open due to the stench
- Flying freehold- neighbours daughter's bedroom located over the kitchen (preroom)
- Neighbour would never get any peace or feel comfortable in own home, impact upon mental health
- Neighbouring walls so thin that every noise would be heard
- Lack of sleep for neighbours children due to noise affecting health and schooling
- The shop may attract drunk or unsociable people
- Mice rats and flies
- Litter problems

Highway Considerations

- Located near to a junction
- Not suitable for the business it will attract
- Cause constant congestion of traffic
- Not safe for road users or members of the public
- No parking to the property as the shop has double yellow lines all round
- No suitable parking at the premises for customers
- Nowhere for delivery vans to park

Other Matters

- Immense fire risk leaving neighbouring property at risk
- Neighbouring access through No119 back yard concern it may be restricted or blocked or people may unlawfully gain access to the neighbouring property.
- Negative affect upon neighbouring house prices

Two standard objection petitions have been received with 43 and 37 signatures. No grounds for objection were stated upon the petitions.

The full contents of all the letters of representation are available for members to inspect on the case file.

4. Relevant Planning Policy

National Planning Policy Framework (2019)

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

- Paragraph 7 and 8 (Achieving sustainable development);
- Paragraph 11 (Presumption in favour of sustainable development);
- Paragraph 85 (Ensuring the vitality of town centres);
- Paragraphs 127 (Requiring good design);
- Paragraph 55, 56 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2017)

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

- S2 - Settlement Hierarchy
- D1 - Design of New Development
- D2 - Amenity
- IF4 - Transport Infrastructure and New Development
- IF7 - Parking Provision and New Development
- Ec8 - Town and Local Centres: Hierarchy and Management of Development

Other Policies/Guidance

- National Planning Practice Guidance
- Leicestershire Highways Design Guide (Leicestershire County Council)
- Good Design for North West Leicestershire SPD - April 2017

5. Assessment

Updated Assessment

The original submission has been updated with amended scaled floor plans which show a previously missed existing window opening to the rear elevation of the food prep room; amended scaled existing and proposed elevation drawings to show the site and premises accurately depicted; specification details for soundproofing and fire boarding and details of the walls and ceilings to be treated; detail of the contractor whom will be undertaking the works; and, an updated car parking plan.

The additional information and consultation responses received so far do not alter the original assessment which is outlined below.

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 comprises the adopted Local Plan 2017.

This application proposes to change the use of an existing retail unit to a hot food takeaway.

The application site is situated within the defined Coalville Town Centre. A5 hot food takeaways are referred to in the NPPF as a main town centre uses. Policy Ec8 of the Local Plan highlights that proposals for main town centre uses will be expected to be located within town centres. The proposal for a hot food takeaway is therefore considered to be an acceptable use in principle in the town centre location.

Concerns were raised within the letters of objection that there are already 5 Indian takeaways located in Coalville. The question was asked by an objector "what legislation is there for the evening economy on food and drink in the Coalville area, there are 3 takeaways on the same street within 20 properties".

Specifically in relation to the change of use to hot food takeaways, in terms of the principle acceptability, Policy Ec11 1 (a) requires that clusters of such uses should be avoided. However this is only applicable within defined primary shopping areas. As the application is located outside of the defined primary shopping area, the proposed town centre location has no applicable policy restriction on the number of hot food takeaways in principle.

A neighbour letter of objection raised concern that the UK was already statistically the most obese country in Europe. Adding more shops is encouraging people to buy takeaways. A cabinet paper (North West Leicestershire Health and Wellbeing Strategy) dated 5th February was brought to the attention of the case officer by Councillor Geary. The paper highlighted a planning policy need for health and wellbeing to be considered when determining whether new premises should open. However there is no relevant adopted planning policy at this time that relates to this issue.

Overall, the use proposed is considered to be an acceptable use in principle within a town centre. The proposal is therefore in conformity with policy Ec8 of the adopted Local Plan and is considered acceptable in principle subject to other material considerations discussed within this report.

Design and Impact upon Character

The proposal includes the installation of an extraction flue to the eastern/ rear elevation of the property. The position and design of the proposed extraction equipment has been influenced by its functional requirements. The visual impact of the proposed flue would be limited due to the location to the rear of the premises and as such views would not be taken from the street scene. The design of the flue is considered to be appropriate for the intended use and acceptable in terms of visual impact upon the property and the surrounding area.

Overall, the proposal is considered to have an acceptable design that would be in keeping with the character and appearance of the existing building and the surrounding area. Therefore, the proposal is considered to be in accordance with Policy D1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained in the NPPF.

Impact upon Residential Amenity

Concerns have been raised within the letters of representation on grounds that the proposal would result in various unacceptable impacts in terms of residential amenity by way of noise and disturbance, odour and smells, late opening hours, negative health impacts, drunks and unsociable people and litter and vermin.

The site is located in an area characterised predominantly by retail and residential properties. There are residential uses to the first floor of the application site and attached to the southern elevation of the subject premises.

Policy D2 of the Local Plan states that development should be designed to reduce its impacts on residential amenity. Criterion (1) requires that development should not have an adverse impact through loss of privacy, overshadowing or be overbearing and criterion (2) states that proposals should not generate a level of activity, noise, vibration, pollution or odour, which cannot be mitigated to an appropriate standard.

As previously stated, the site is situated with the defined Coalville Town Centre. In such areas a degree of noise and disturbance is expected as a direct consequence of the range of uses present. Within the principle section above, it has already been established that hot food takeaway uses are acceptable uses within such areas.

In terms of disturbance, the opening hours for the proposed use would be 16:30 -21:30 seven days a week. These hours are considered to be later than that of a typical A1 (shops) use. The proposal would result in more coming and goings from the premises in the evening time.

The opening hours proposed are shorter and earlier than the operating hours at Sun Hing Chinese located at 111 Belvoir Road to the north of the site, which are Monday and Wednesday 17:00-23:00, Thursday, Friday and Saturday 12:00-14:00, 17:00-23:00, Sunday 17:30-23:00 and closed Tuesday. As such, it would not be reasonable to impose further restrictions on this use/property. Subject to a condition restricting the hours of operation to those stated, it is not considered that the proposal would result in a significantly harmful impact in terms of disturbance.

Given the unusual layout of the first floor, with the neighbouring flying freehold arrangement, it is considered that the bedroom to no. 121 Belvoir Road situated above the proposed food preparation room would be subject to potential noise nuisance. However it is considered that noise disturbance could be mitigated by a condition to ensure that satisfactory noise insulation is fitted to the walls and ceiling of the food preparation room. Subject to an appropriate condition, it is considered that potential noise impacts to the neighbouring property would not be to a level that would be significantly detrimental to the occupiers of the neighbouring property and to warrant refusal of the application on those grounds.

The site is situated within the Town Centre, where there is a concentration of activity and a level of disturbance from a range of sources over a prolonged period of the day. With the nature of the town centre location taken into consideration, it is not considered that the operation of a hot food takeaway would result in any further significant impacts in terms of noise or disturbance.

In terms of noise and odour, the extraction system would be fitted with a carbon filter system to ensure that the air which is expelled is as clean as possible. The fan would have a silencer to reduce noise and the ducting supports would be mounted upon anti-vibration supports to stop reverberation noise.

Whilst it is accepted that there would be a level of smell/odour emitted from the cooking process which would affect neighbouring and nearby properties, the details of the application together with the product specification document for the extraction unit has been considered by NWLDC Environmental Protection who have raised no objection on the basis that the cleaning and maintenance requirements of the extraction system are complied with. This would be managed by way of a suitably worded planning condition.

Subject to the imposition of relevant planning conditions referred to above, it is considered that there would be no significant detrimental impacts upon neighbouring residential amenity in

terms of noise, smells and disturbance to warrant refusal of this application.

Concerns have also been raised on grounds of overlooking. As the proposal would not include any new or enlarged windows and as the unit already benefits from a public use, the proposed use would not result in any further impacts upon the privacy of surrounding residential properties.

Objections have also been raised on grounds that the proposal would attract drunks and unsociable people. This application proposes a generic A5 use, as such, the unit could therefore be host to a wide range of occupiers. Notwithstanding this, the planning system is unable to control/restrict customers in this regard and, as such, behaviors of the end user. There is no evidence to substantiate these claims and therefore this issue cannot be taken into consideration in the determination of the application.

Concerns have been raised that the proposal would result in increased litter. Whilst the plans do not include commercial waste provision or a litterbin it is considered that there would be adequate space on the site to accommodate such provisions, therefore a condition would be imposed to secure the provision and maintenance of both. The imposition of this condition would ensure such concerns are addressed.

It has also been expressed that the proposed use would attract vermin and flies. This is not a material planning consideration. Appropriate refuse facilities would be required to serve the premises, but increased levels of vermin would be subject to control by NWLDC Environmental Health.

On balance, although the proposal could result in some additional impacts in terms of residential amenity, given that the site is situated within the defined Town Centre, against this backdrop and subject to relevant conditions, any impacts over and above those existing are not considered to result in a material level of harm that would warrant refusal of the application on these grounds. No objections are raised by NWL Environmental Protection.

There are no other materially harmful impacts identified in this regard that would result in the scheme being unacceptable on such grounds. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Highway Considerations

Numerous objections have been raised within the letters of objection on highways safety grounds and on the basis of inadequate parking provision.

The subject site benefits from an area of hard standing/ parking provision within the curtilage of the application site. The site access off Belvoir Road would remain unchanged. The highway to the property frontage is no parking enforced by double yellow lines.

The County Highways Authority have been consulted on the application. No objections were raised as in its view the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with the National Planning Policy Framework 2019 (NPPF).

The County Highway Authority advise that it has carried out its own Trip Rate Information Computer System (TRICS) assessment in order to quantify trip generation at the site.

The existing Use Class of the premises is A1 (shops); for this quantum of development there would be a total of 23 two-way trips to the site.

In comparison, Use Class A5 (take-away), would attract a daily total of 54 two-way trips, more than double the level of trips. Notwithstanding this, the letter received from the planning agent dated 5th February 2019 details that the premises would be open between 16:30-21:30.

The TRICS data has therefore been interrogated to assess the level of trips that the premises would attract during opening hours, 16:30-21:30, which would equate to a total of 25 two-way trips.

Therefore, during the opening hours of the premises, 2 additional trips would be generated on a daily basis in comparison to those in connection with an A1 use. It is acknowledged that there would be additional trips outside of these hours by employees, however that level of trips would be minimal.

The CHA further assess the impact of additional trips on the highway network where 30 or more two-way trips are proposed in peak periods, therefore the trip generation above has identified that no further assessment is required.

In addition to this, as previously outlined, there is a public car park in close proximity to the site, therefore the customers may choose to park there and walk to the premises, therefore potentially further reducing vehicular trips to the site.

It has been accepted by the Local Highway Authority that customer parking at the nearby public car park (situated within 100 m of the site) would be acceptable for customer parking. The site is located within a Town Centre which is served by a good range public transport, by virtue of its central location, the site is also within walking distance of the settlement it would serve.

It is anticipated that the duration of customers visits would be short, which would result in a quick turnover of available public parking. On the basis of the information provided by the CHA the amount of vehicle movements is not considered to be significantly higher than those created by the existing use of the shop.

The parking provision to the north of the site is capable of providing 3 standard size car parking spaces in line with LHDG standards which would accommodate for staff and delivery vehicles. The proposal is not considered to result in any further harm in terms of highway safety above and beyond the use of the premises as a shop and the proposed parking provision is considered adequate. A planning condition would be imposed to ensure that 3 spaces are marked out and available for use at all times.

Paragraph 32 of the NPPF advises that applications should only be refused on highway grounds where the cumulative impacts are severe. On the basis of the above, it is not considered that the proposal would conflict with the principles of this paragraph or the aims of Policy IF4 or IF7 of the adopted Local Plan.

Other Issues

It has been raised in a letter of objection and by Councillor Geary that the proposal would be an immense fire risk leaving neighbouring property at risk.

The Councils Building Control Section have stated that the fire separation requirement should already be in place from the use of the premises as a shop. In the interests of clarity, at this

stage it is necessary to highlight that fire safety is not in the control of planning parameters. However the Building Control officer has advised that the material change of use from a shop to hot food takeaway would not trigger the requirement for further enhancement from a building control or fire regulation perspective.

It has been brought to the attention of the case officer via Councillor Geary that under the Regulatory Reform Fire Safety Order 2005 a suitable and sufficient risk assessment needs to be carried out by a responsible person as defined at Article 3 of the Order as employers and/or building owners or occupiers and it must be kept up to date. On the basis of this information, it is recommended that a note to applicant is attached to any planning permission granted to ensure that the applicant is made aware of these fire safety requirements.

Concerns have been raised that neighbouring access through No.119s back yard may be restricted or blocked or people may unlawfully gain access to the neighbouring property. There is no evidence to support this claim and as such this concern has no bearing on the council's decision-making process.

Concerns have been raised that the proposal would have a negative effect upon neighbouring house prices. This is not a material planning consideration.

In respect of all other matters reported in the third party representation section above that have not been addressed in the assessment section of this report, these are not considered to be material planning considerations and have no bearing on the decision making process.

Conclusion

The principle of new takeaway uses within the Town Centre of Coalville are acceptable. In the case of this application the proposal is not considered to have any significant detrimental design, residential amenity or highway related impacts. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is considered to comply with the relevant policies in the adopted Local Plan and the advice within the NPPF. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT subject to the following conditions:-

1. Time limit
2. Approved plans
3. Hours of operation
4. Noise condition - noise insulation
5. Maintenance of extraction system
6. Provision of a scheme providing commercial waste and a litterbin
7. Parking provision - 3 spaces to be laid out and maintained

This page is intentionally left blank

Demolition of existing bungalow so as to facilitate residential development (outline - part access included)

Report Item No
A4

11 Fosbrooke Close Ravenstone Coalville Leicestershire LE67 2AB

Application Reference
18/01428/OUTM

Grid Reference (E) 440040
Grid Reference (N) 313683

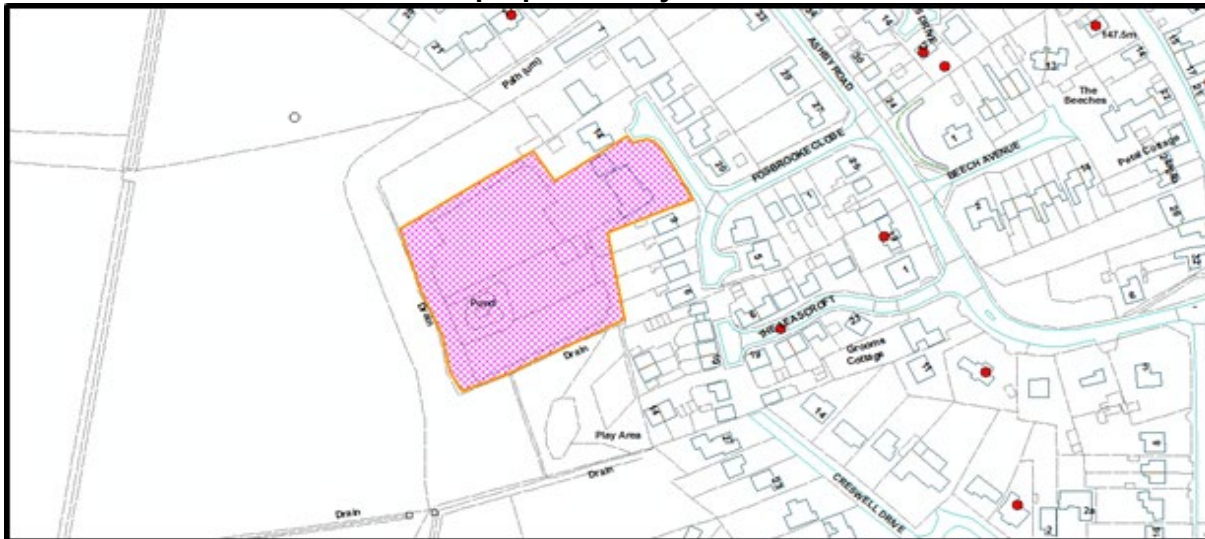
Date Registered:
6 August 2018
Consultation Expiry:
14 September 2018
8 Week Date:
5 November 2018

Applicant:
Mr Kris Walkuski

Case Officer:
Adam Mellor

Recommendation:
PERMIT subject to S106 Agreement

Site Location - Plan for indicative purposes only



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

EXECUTIVE SUMMARY OF PROPOSALS

Call In

This application has been brought to the Planning Committee at the request of the Council's Strategic Director of Place pursuant to Section 5 clause 4 (f) of the Council's constitution.

Proposal

This is an outline application, with means of part access for approval, and relates to the demolition of an existing bungalow so as to facilitate residential development at 11 Fosbrooke Close, Ravenstone.

Consultations

Objections have been received from third parties as well as Ravenstone with Snibston Parish Council. No objections have been received from statutory consultees and a revised response from Natural England is awaited.

Planning Policy

The application site is within the Limits to Development in the adopted North West Leicestershire Local Plan.

Conclusion

As the site is within the Limits to Development the principle of the development is acceptable. The key issues are:

- Design, density, housing mix and impact on the character and appearance of the streetscape;
- Residential amenity;
- Highway safety;
- Ecology; and
- Drainage and flood risk.

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies including the adopted Good Design for North West Leicestershire SPD, and the NPPF (2019).

RECOMMENDATION - PERMIT, SUBJECT TO A LEGAL AGREEMENT AND CONDITIONS AND NO OBJECTIONS BEING RAISED BY NATURAL ENGLAND.

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.

1. Proposals and Background

Outline planning permission is sought for the demolition of an existing bungalow so as to facilitate residential development with means of part access for approval at this stage at 11 Fosbrooke Close, Ravenstone. No. 11 Fosbrooke Close is a single storey detached dwelling situated on the south-western side of Fosbrooke Close and is within the Limits to Development. It is intended that the proposed dwellings would be provided on land which forms part of the residential garden and paddock land to 11 Fosbrooke Close, with the surrounding area comprising residential development to the east and open countryside to the west.

Originally the application proposed the creation of 28 dwellings but following concerns being raised by the Case Officer the number of dwellings to be created has been omitted from the description. The precise number of dwellings to be constructed will thus depend on compliance of any layout submitted at the reserved matters stage with the Council's adopted Good Design SPD and adopted Local Plan. It will, however, be the case that the total number of dwellings to be provided would be less than the 28 initially proposed.

In order to create the residential development no. 11 Fosbrooke Close would be demolished with a new vehicular access being created into the site off Fosbrooke Close in order to serve the proposed dwellings. It is anticipated that a mix of 2, 3, 4 and 5 bed properties would be created as part of the development.

A preliminary ecological appraisal, bat roost survey and great crested newts' survey have been submitted in support of the application with a transport assessment, flood risk assessment, coal mining risk assessment and phase 1 desk study and preliminary risk assessment being submitted following receipt of consultation responses from statutory consultees. Reconsultation has been undertaken on this information.

Planning permission was granted for the existing dwelling on the site under application reference 94/00830/FUL on the 2nd November 1994 (erection of a single storey dwelling with detached double garage).

2. Publicity

26 Neighbours have been notified.

Press Notice published Leicester Mercury 5 September 2018.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Objection from;

Ravenstone with Snibston Parish Council on the following grounds:

- Ravenstone has been subjected to considerable built development that has already outstripped the local infrastructure that supports the village;
- The addition of 28 dwellings will add a considerable increase in traffic volume to Fosbrooke Close which has inadequate visibility at its junction with Ashby Road;
- Ashby Road is subjected to a high volume of traffic with recent speed surveys demonstrating that vehicles travel in excess of the speed limit;
- The proposed development will further extend the building line of Ravenstone;
- The design and scale of the dwellings are not in keeping with the current street scene;
- The development results in the loss of greenfield space which is a concern within the village.

No Objections from;

NWLDC - Environmental Protection.

No Objections, subject to conditions and/or financial contributions, from;

Coal Authority.

Leicestershire County Council - Archaeology.

Leicestershire County Council - Developer Contributions.

Leicestershire County Council - Ecology.

Leicestershire County Council - Highways Authority.

Leicestershire County Council - Lead Local Flood Authority.

National Forest Company.

West Leicestershire Clinical Commissioning Group.

NWLDC - Affordable Housing Enabler.

NWLDC - Environmental Protection (Contaminated Land).

NWLDC - Urban Designer.

Third Party Representations

23 representations have been received objecting to the development with the comments raised summarised as follows:

Sustainability of settlement and impact on services

- The settlement of Ravenstone has limited amenities to sustain further residential development with there also being limited public transport opportunities.
- The village school is at capacity.
- Any development should make suitable contributions to mitigate its impact to services.

Highway safety

- The transport statement contains numerous inaccuracies.
- The junction of Fosbrooke Close with Ashby Road has limited visibility in a south-eastern direction with such visibility limited by the on-street parking of vehicles upon Ashby Road.
- Such on-street parking matters are compounded in adverse weather conditions as topography of Fosbrooke Close and The Leascroft makes it difficult for vehicles to manoeuvre.
- Vehicles travel in excess of the speed limit on Ashby Road.
- Highway safety measures should be implemented as part of the development including double yellow lines and speed ramps on Ashby Road or the installation of traffic lights at the junction.
- Insufficient off-street parking will be provided as part of the development.

Design and integration of development into environment

- Amount of dwellings proposed will lead to a development which would be inconsistent with the character of the area and an appropriate housing mix is not proposed.
- The scale of dwellings proposed is not compatible with the single storey nature of dwellings on Fosbrooke Close.

Residential amenity

- Provision of residential development will impact adversely on residential amenities in terms of noise, dust and dirt associated with its construction, scale and position of dwellings causing overbearing, overshadowing and overlooking impacts as well as headlights from vehicles shining directly into the windows of properties opposite.
- Occupants of Fosbrooke Close are mainly elderly and therefore a residential development encouraging families to the area will cause tension in this respect.
- Foul water pumping station could have an adverse visual impact as well causing smell detriment to neighbouring residential properties.

Ecology

- As a greenfield site the application site should be retained for ecological benefits.
- The hedgerow between the site and The Leascroft should be retained given its ecological value.
- Pond on the site contains great crested newts and should be retained as part of the development.
- Tree planting should be provided on the site to provide a buffer zone to existing properties on Fosbrooke Close.

Other Matters

- Given the coal mining legacy of the site it should be ensured that the type of development proposed is acceptable.
- Risk based land contamination assessments should be undertaken given the poor condition of the ground.
- It should be ensured that the existing foul drainage network can accommodate the foul drainage associated with the development given the existing problems with the current system.

The following non-material planning considerations have been raised by third parties:

- Views of the wider countryside will be reduced as a result of the development.
- Development will impact on the value of my property.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

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

- Paragraphs 8 and 10 (Achieving sustainable development);
- Paragraphs 11 and 12 (Presumption in favour of sustainable development);
- Paragraph 34 (Development contributions);
- Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
- Paragraphs 54, 55, 56 and 57 (Planning conditions and obligations);
- Paragraphs 59, 60, 61, 62, 64, 68, 73, 74 and 76 (Delivering a sufficient supply of homes);
- Paragraph 98 (Promoting healthy and safe communities);
- Paragraphs 105, 108, 109 and 110 (Promoting sustainable transport);
- Paragraphs 117, 118, 122 and 123 (Making effective use of land);

Paragraphs 126, 127 and 130 (Achieving well-designed places);
Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 170, 175, 178, 179 and 180 (Conserving and enhancing the natural environment);
and
Paragraph 199 (Conserving and enhancing the historic environment).

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy H4 - Affordable Housing;
Policy H6 - House Types and Mix;
Policy IF1 - Development and Infrastructure;
Policy IF3 - Open Space, Sport and Recreation Facilities;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance.
Good Design for North West Leicestershire Supplementary Planning Document - April 2017.
Leicestershire Highways Design Guide (Leicestershire County Council).
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

5. Assessment

Principle of Development 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 Local Plan and other material considerations. Within the NPPF (2019) there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole, or if specific policies in the NPPF indicate development should be restricted.

In respect of social sustainability it is noted that numerous third party representations which have been received have commented that the settlement of Ravenstone is not socially sustainable by virtue of the limited level of services which are available. Although third parties are of this view Policy S2 of the adopted Local Plan highlights that Ravenstone is a 'Sustainable Village' where a limited amount of growth will take place within the defined Limits to Development. Services within Coalville, the primary settlement in the District under Policy S2 of

the adopted Local Plan, would also be easily accessible to residents of Ravenstone via public transport and non-car modes of transport.

It is also the case, in accordance with Policy IF2 of the adopted Local Plan, that the level of proposed development (i.e. a major application) is required to mitigate its impact to infrastructure (such as schools and doctors surgeries) by the provision of relevant developer contributions. The *'Developer Contributions'* section of this report, below, outlines in more detail the contributions which would be secured, but in brief these would include monetary contributions towards education, civic amenity, the doctors surgery on Whitwick Road, Coalville, bus passes, improvements to bus stops on Ashby Road and the off-site planting of trees within the National Forest. Affordable housing would also be secured on the site and, overall, the securing of such contributions within a Section 106 agreement would ensure that the development is socially sustainable.

Overall it is considered that future occupants would not be heavily dependent on the private car to access the most basic of services and consequently the development would support the approach to a low carbon economy.

The provision of the housing would result in development on a greenfield site which is not allocated in the adopted Local Plan for such form of development. Whilst the site is not allocated, and greenfield land is not the most sequentially preferred land on which to provide new development, it is noted that it is within the Limits to Development and if there was an intention to resist development on the site then the land could have been allocated outside the defined Limits to Development in the same manner as the land to the west of the site. In this context, as well as taking into account the visual relationship the development would have with existing properties on Fosbrooke Close and The Leascroft and the provision of an ecological buffer protecting the ecological significance of the site, it is considered that the loss of the greenfield site would not result in significant conflict with the environmental objective enshrined within the NPPF.

Overall there would be no substantial harm to the built and natural environment, with any harm being outweighed by the economic benefits associated with the construction of the dwellings and the positive social sustainability aspects of the scheme. As a result the proposal is considered sustainable in accordance with Policy S2 of the adopted Local Plan and the core objectives of the NPPF.

Design, Density, Housing Mix and Impact on the Character and Appearance of the Streetscape

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1, as well as the Council's adopted Good Design for NWLDC SPD, but also Paragraphs 124 and 127 of the NPPF.

At present the application site comprises residential garden and paddocks with land levels which rise from south-west to north-east. Predominately the properties on Fosbrooke Close which border the application site are single storey detached types, although two-storey properties do exist within the wider area on The Leascroft and Hall Gardens as well as fronting onto Ashby Road. Open agricultural land is set to the west of the site.

It is noted that layout, scale, appearance, internal access and landscaping are included as matters to be considered at a later stage with only part access being approved at this stage. Ashby Road is a principle highway through the settlement of Ravenstone and whilst properties on this highway follow a relatively uniform building line and are orientated to address Ashby

Road, it is noted that residential development has extended in a south-western direction away from Ashby Road in the form of Fosbrooke Close, Hall Gardens and The Leascroft. Although the proposal would be a further extension of Fosbrooke Close, and would extend development further in a south-western direction than that established, it is considered that any impact to the character and appearance of the streetscape and wider area would not be sufficiently detrimental as to warrant a refusal of the application given the integration of the development with residential estates which are consistent with the character of the area.

The Council's Urban Designer reviewed the indicative layout originally submitted and raised concerns that the proposed number of dwellings would not result in a satisfactory standard of design when assessed against relevant policy including the Council's adopted Good Design SPD and Building for Life 12 (BfL 12). Following the omission of the total number of dwellings from the application description, the Council's Urban Designer considers a scheme could be progressed on the site which would accord with relevant policy but, at this stage, a scheme where only part access is for approval is not sufficiently advanced to be fully assessed against such criteria. As a consequence of this it would be necessary at the reserved matters stage for a BfL 12 assessment to be supplied to specify how the development would accord with the principles of this guidance. This would be secured by a condition on any consent granted.

In terms of the appearance and scale of the dwellings these would be agreed at the reserved matters stage and, at this point, an appropriate design could be achieved which would accord with the Council's current design agenda by providing a scheme which responds to the positive characteristics of dwellings within the area. Given the presence of single storey dwellings on Fosbrooke Close it is considered that a note to applicant would be required to be imposed on any permission granted to make them aware that the scale of the proposed development progressed at the reserved matters stage(s) will need to respect the scale of existing development on Fosbrooke Close.

Public footpath O38 lies 38 metres to the north-west of the site with public footpath O51 being set 11 metres to the south-west of the site. It is considered that the redevelopment of the application site for residential dwellings would have no greater impact on views established from these footpaths given that the development would not obstruct features of significance in the wider landscape, as well as the fact that existing dwellings on Fosbrooke Close, as well as those on Hall Gardens and The Leascroft, are already visible in such views. On this basis the development does not conflict with Paragraph 98 of the NPPF.

Overall it is considered that a layout, appearance and scale of development could be provided at the reserved matters stage which would be consistent with the aims of Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD and Paragraphs 124 and 127 of the NPPF.

Density

It is noted that the adopted Local Plan contains no policy guidance on density although an appropriate density is assessed on the integration a development would have with the built environment in which it is set, as required by Policy D1 of the adopted Local Plan and the environmental objective of the NPPF. Paragraph 122 of the NPPF also outlines "*planning policies and decisions should support development that makes an efficient use of land*" taking into account such factors as "*the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting infrastructure and change*" (criterion (d)) and "*the importance of securing well-designed, attractive and healthy places.*" (criterion (e)).

Based on the site area of 0.91 hectares a scheme of 28 dwellings would have resulted in a

density of development of 30.7 dwellings per hectare although when excluding areas of the site which would not be developable, due to other constraints, the site area would be reduced to 0.74 hectares which results in a density of development of 37.8 dwellings per hectare. In terms of neighbouring development the following densities currently exist:

- Fosbrooke Close - 14.53 dwellings per hectare;
- Hall Gardens - 13.73 dwellings per hectare; and
- The Leascroft - 20.2 dwellings per hectare;

Given the existing density of development established in the area it was considered that a scheme of 28 dwellings would result in a density which would be inconsistent with that established on neighbouring residential development which has extended in a south-western direction away from Ashby Road. As a consequence any future development would fail to integrate into the environment in which it would be set contrary to Policy D1 of the adopted Local Plan, the environmental objective of the NPPF and in particular Paragraph 122 of the NPPF.

Following the omission of the proposed total number of dwellings from the application description it is considered that an appropriate density of development could be achieved when progressing a layout at the reserved matters stage.

Housing Mix

With regards to housing mix, Policy H6 of the adopted Local Plan outlines that a mix of housing types, sizes and tenures is expected on residential developments proposing 10 dwellings. When determining an appropriate housing mix the information contained within the Housing and Economic Development Needs Assessment (HEDNA) is one of the factors to take into account alongside other criteria as outlined in Part (2) of Policy H6. The range of dwelling sizes (in terms of number of bedrooms) identified as appropriate in the HEDNA are as follows:

- 1 bed - 0-10% (Market) and 30-35% (Affordable);
- 2 bed - 39-40% (Market) and 35-40% (Affordable);
- 3 bed - 45-55% (Market) and 25-30% (Affordable); and
- 4 bed - 10-20% (Market) and 5-10% (Affordable).

Given that the number of dwellings has been omitted from the application description there is no longer a proposed mix. It is, however, the case that the means of securing a suitable mix of dwellings is a matter to be addressed at the outline stage rather than during the consideration of any subsequent reserved matters application, due to housing mix in itself not being a reserved matter. On this basis it is considered necessary, as part of any permission granted, to impose a condition which requires an appropriate mix of dwellings to be provided as part of any subsequent reserved matters application(s). Such a mix should be compliant with the aims of Policy H6 of the adopted Local Plan.

Overall it is determined that an appropriate form of development could be secured at the reserved matters stage(s) which would be consistent with the aims of Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD and Paragraphs 124 and 127 of the NPPF.

Accessibility

All matters are reserved for subsequent approval except for part access. The point of access shown on the submitted plan would be centralised within the north-eastern boundary of the application site following the demolition of no. 11 Fosbrooke Close. Whilst the illustrative layout shows internal access roads these would be dealt with at the reserved matters stage(s).

It is proposed that the vehicular access would have a width which would be compliant with the guidance outlined in the Leicestershire Highways Design Guide (LHDG), with such an access being able to accommodate pedestrian visibility splays of 1 metre by 1 metre and vehicular visibility splays of 2.4 metres by 33 metres in both directions which would be acceptable within a cul-de-sac location. On the basis of the information shown on the plans the County Highways Authority (CHA) have raised no objections subject to the imposition of relevant planning conditions on any permission granted.

The ability for vehicles to manoeuvre within the site so as to exit in a forward direction would be a matter to be addressed at the reserved matters stage(s) once a layout was progressed.

Whilst acknowledging the concerns raised by third parties and the Parish Council associated with the additional vehicular movements on highways within the settlement of Ravenstone, and the suitability of the levels of visibility at the junction of Fosbrooke Close with Ashby Road resulting in detriment to pedestrian and highway safety, such concerns are not shared by the CHA.

Paragraph 109 of the NPPF outlines that development should only be *"prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* In the absence of an objection from the CHA it is concluded that the proposed development would not have an unacceptable impact on highway safety nor would the cumulative impacts of development be severe. As such the proposal would accord with Policy IF4 of the adopted Local Plan as well as Paragraphs 108, 109 and 110 of the NPPF.

The specific off-street parking arrangements for each individual property would be assessed and addressed following the submission of any subsequent reserved matters application, given that this would be dependent on the total amount of bedrooms within a particular dwelling, as required by the Council's adopted Good Design SPD and the LHDG. As a consequence of this the particular requirements of Policy IF7 of the adopted Local Plan and Paragraph 105 of the NPPF would be satisfied at that time.

Neighbours and Future Occupants Amenities

The site borders with residential properties on Fosbrooke Close to its north-eastern boundaries, but would also adjoin with no. 9 Fosbrooke Close to its south-eastern boundary and no. 14 Fosbrooke Close to its north-western boundary.

The impact on neighbouring occupiers arising from the proposed dwellings would need to be assessed at the reserved matters stage(s) once the layout, appearance and scale of the dwellings was known. Notwithstanding the details shown on the indicative layout plan, which proposes an amount of dwellings which would be unlikely to come forward on the site given the design concerns raised above, there would appear to be no reason in principle why a residential development could not be provided on the site in a manner which would not adversely impact upon amenities of the occupants of adjoining residential properties.

In establishing an acceptable relationship with existing residential properties at the reserved matters stage, it could also be ensured that the amenities of any future occupants of the proposed dwellings are adequately protected.

It is also considered that the noise generated by vehicular movements along an access road between nos. 9 and 14 Fosbrooke Close, as well as to the rear of existing dwellings on

Fosbrooke Close, would not result in any adverse noise implications to existing amenities given that both Fosbrooke Close and The Leascroft have been developed in similar circumstances, being to the rear and between dwellings fronting onto Ashby Road, as well as the fact that the Council's Environmental Protection Team have raised no objections to the application in this respect.

Although dirt and noise would be associated with the future construction of any residential development on the site, 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 of construction is often applied but in this instance as the Council's Environmental Protection Team have raised no issues to the development in this regard, it is considered that the imposition of an hours condition would be unreasonable.

Overall the means of part access is considered to be compliant with Policy D2 of the adopted Local Plan as well as Paragraph 180 of the NPPF.

Landscaping

Existing landscaping on the site is mainly confined to its south-eastern and south-western boundaries in the form of hedgerows, and as part of the consultation process the County Council Ecologist has commented, amongst other things, that a 5m wide wildlife corridor should be provided between the hedgerow to the south-western boundary and any part of the residential development.

As the layout is not for approval at this stage such a matter would need to be considered in greater detail at the reserved matters stage but it is considered reasonable to impose a condition which specifies that any layout progressed would need to demonstrate compliance with the request of the County Council Ecologist.

Notwithstanding the above there is no other soft landscaping which would act as a constraint in the development of the site and the physical soft landscaping provided as part of the proposal, with tree planting being encouraged given the National Forest setting of the development, would be considered in greater detail at the reserved matters stage.

Hard landscaping on the site would also be considered under a reserved matters application.

Overall, it is considered that a residential development can be progressed at the reserved matters stage which complies with Policies D1, En1 and En3 of the adopted Local Plan.

Ecology

Both the County Council Ecologist and Natural England have been consulted on the application.

In terms of the County Council Ecologist they have no objections to the application provided that the existing pond is retained and that all land immediately around the pond is managed as foraging habitat for great crested newts (GCNs), as well as the retention of the hedgerow to the south-western boundary which will be protected by a 5 metre wide wildlife corridor. It is also the request of the County Council Ecologist that conditions be imposed on any consent granted to ensure a mitigation plan for the impacts on GCNs, and the future management of the wildlife corridor be provided as part of the reserved matters permission.

It is considered that conditions can be imposed to ensure that the requirements of the County Council Ecologist are met when a reserved matters application in respect of the layout is submitted.

With regards to Natural England (NE) they originally commented that the surface water drainage strategy for the proposed development had the potential to impact on the Newton Burgoland Marshes Site of Special Scientific Interest (SSSI) by virtue of Blower's Brook, where surface water would be discharged to, being a tributary of watercourses which run through the SSSI.

Amendments made to the plans have identified that a swale, as part of a Sustainable Urban Drainage System (SuDS), could be provided as part of the surface water drainage system which would seek to improve the quality of any surface water run-off from the site. Reconsultation has been undertaken with NE on the basis of this information and whilst their revised response is awaited, it is noted that they have no objections to the principle of residential development on the site. It is also the case that the Lead Local Flood Authority (LLFA) would require any surface water drainage solution to include measures (such as treatment trains) to either maintain or improve the quality of surface water which would discharge from the site. On the above basis the imposition of conditions on any permission granted would ensure that the proposal would have no adverse effect on the integrity, or any features of special scientific interest, of the Newton Burgoland Marshes SSSI.

Overall the proposal would be compliant with the Habitat Regulations 2017, Policy En1 of the adopted Local Plan, Paragraphs 170 and 175 of the NPPF and Circular 06/05.

Drainage and Flood Risk

The site lies within Flood Zone 1 (which has the lowest risk of flooding) and is also not within an area which is at high risk from surface water flooding as defined by the Environment Agency's Surface Water Flood Map (there are limited areas which have a medium to low risk of surface water flooding within the south-western area of the site around the existing pond).

A Flood Risk Assessment (FRA) has been submitted in support of the application which has indicated that surface water run-off from the site would be directed to Blower's Brook which lies outside the boundaries of the application site. Following consideration of the FRA the Lead Local Flood Authority (LLFA) advised that it needs to be demonstrated that the applicant had either control of Blower's Brook or that consent had been given by the owner/operator of Blower's Brook to enable surface water run-off to be directed to this watercourse. The applicant subsequently amended the scheme so that an outfall within the application site, which still discharges to Blower's Brook, would be utilised with evidence being provided of the existence and condition of this outfall. Following consideration of this revised information the LLFA have no objections to the application subject to the imposition of conditions in relation to details of the precise surface water drainage scheme to be provided, the means of mitigating surface water run-off during the construction phase, the management and maintenance of the surface water drainage solution and that infiltration testing is undertaken to ensure that the ground can accommodate soakaways.

On the basis that such conditions are imposed on any permission granted it is considered that the proposal would be compliant with Policies Cc2 and Cc3 of the adopted Local Plan as well as Paragraph 163 of the NPPF.

Insofar as foul drainage is concerned, it is indicated on the application form that this would be discharged to the mains sewer with such discharge being agreed with Severn Trent Water under separate legislation. In the circumstances that Severn Trent Water have raised no

representation to foul drainage discharges being managed in this manner, it is considered that the additional demands for foul drainage could be met by the existing sewerage system in place and therefore the proposed development would accord with Paragraph 180 of the NPPF.

Archaeology

The County Council Archaeologist has indicated that an appraisal of the Leicestershire and Rutland Historic Environmental Record (HER) notes the proposed site falls within the area of the post medieval garden earthworks located to the south-west of Ravenstone Hall. In the circumstances that the application site is relatively undisturbed there is a reasonable likelihood that archaeological remains are present.

Given the opportunities which exist for archaeological remains to be present on the site, the County Council Archaeologist considers it necessary for conditions to be imposed on any consent for a programme of archaeological work to be carried out, in advance of the development commencing, in order to record and advance the understanding of the significance of any heritage assets. Such conditions are considered reasonable given the archaeological potential of the site and their inclusion ensures compliance with Policy He1 of the adopted Local Plan and Paragraph 199 of the NPPF.

Developer Contributions

Requests have been made for Section 106 contributions towards education, civic amenity, transportation, the NHS, off-site National Forest planting and affordable housing. These requests have been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations) as well as Policy IF1 of the adopted Local Plan and Paragraphs 34, 54 and 56 of the NPPF.

It is noted that such requests, with the exception of the transportation and National Forest requests, were based on a scheme for 28 dwellings but given that the amount of dwellings proposed has now been omitted from the description it is considered that any contributions which are to be secured would need to be calculated once the total number of dwellings was approved at the reserved matters stage. On this basis the Section 106 agreement would outline the formulas which would have to be followed in order to calculate the contributions which would be required. A clause would also need to be included in the Section 106 to stipulate that its terms would no longer be applicable if the total number of dwellings created was less than 10 with the floor space of such dwellings not exceeding 1000 square metres, this being the level of development where contributions would not be sought.

The requested development contributions are listed below.

Affordable Housing

The Council's Affordable Housing Enabler has advised that on a greenfield site within Ravenstone it would be anticipated that 30% of such housing should be affordable in order to comply with Policy H4 of the adopted Local Plan and such provision should be provided on site.

Paragraph 64 of the NPPF also requires 10% of the overall number of dwellings to be created (i.e. before the Council's affordable housing calculation is undertaken) to be affordable home ownership products.

It is also advised by the Council's Affordable Housing Enabler that the Housing, Economic and Development Needs Assessment (HEDNA) outlined within Policy H6 of the adopted Local Plan indicates that 80% of affordable properties should be rented with the remaining 20% being Low Cost Home Ownership (LCHO) products. Whilst such an approach is outlined in the HEDNA

given the aims of Paragraph 64 of the NPPF it is anticipated that the 10% of the LCHO to be provided in line with this Paragraph would total more than the 20% required by the HEDNA. Although this is the case such an approach is accepted by the Council's Affordable Housing Enabler given that the NPPF is more recent guidance in this respect.

On the basis that the total number of dwellings to be created is unknown at this stage the Section 106 would be worded to outline the level of affordable housing which would be required, with the Council's Affordable Housing Enabler also requiring clauses to be imposed within the legal agreement to ensure that affordable housing is delivered to the council should a registered provider not make an offer on the affordable housing.

The internal space standards for an affordable house, based on HCA Design and Quality Standards, would also be outlined within the Section 106 agreement.

In the circumstances that the above mechanisms can be secured in the Section 106 agreement, and the applicant is willing to meet these affordable housing requests, the development would be compliant with Policy H4 of the adopted Local Plan and Paragraph 64 of the NPPF.

Education

Based on 28 dwellings Leicestershire County Council (Education) requested a primary school sector contribution of £118,195.20 for Woodstone Community Primary School with no requests made for the high, upper or special schools sectors. The education contribution for the primary school sector is calculated as follows:

Number of Pupils Generated by the Development (total number of dwellings x 0.3 (pupil ratio per house)) x £14,592 (Department for Education (DFE) amount per pupil) = Total Contribution.

Such a claim is for dwellings with two bedrooms+

This calculation would be included within the Section 106 agreement.

The reasoning for the request outlining that no more than five obligations (including those proposed) have been sought for the scheme/project and as such no issues arise in respect of pooling (insofar as the limitations on pooled contributions as set out within the CIL Regulations are concerned). It is noted, however, that the CIL Regulations will be amended on the 1st September 2019 to remove pooling restrictions.

The applicant has confirmed their acceptance to this calculation being included within the Section 106 agreement.

Civic Amenity

Based on 28 dwellings Leicestershire County Civic Amenity requested a contribution of £1,765 for improvements to the civic amenity facilities within Coalville which would mitigate the increase use of this facility generated by the proposed development. The civic amenity contribution is calculated as follows:

Total Number of Dwellings x £65.38 (the Current Rate for the Coalville Civic Amenity Site) = Total Contribution.

Such a contribution would be used towards new storage containers at the above civic amenity site with the reasoning for the request outlining that no other obligations have been sought for this project. As such no issues arise in respect of pooling (insofar as the limitations on pooled

contributions are set out within the CIL Regulations are concerned). It is noted, however, that the CIL Regulations will be amended on the 1st September 2019 to remove pooling restrictions.

The applicant has confirmed their acceptance to this calculation being included within the Section 106 agreement.

Transportation Contributions

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

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- Two six month bus passes per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services as an alternative to the private car and to establish changes in travel behaviour from first occupation (£360 per pass).
- Raised kerb provision at the two nearest bus stops to support modern bus fleets with low floor capabilities (£3,500 per bus stop).
- Improved provision at the north-west bound bus stop (on Ashby Road) including an area of hardstanding (£1,000), pole and flag (£170) and information display case (£120).

The applicant has confirmed their acceptance to the payment of these contributions.

West Leicestershire Clinical Commissioning Group

Based on 28 dwellings NHS Leicester requested a contribution of £15,292.08 for improvements to Whitwick Road Surgery, Whitwick Road, Coalville which will require additional consulting space to mitigate the impacts of the development. The NHS contribution is calculated as follows:

Additional Patients to be Accommodated (total number of dwellings x 2.4 (average household size in North West Leicestershire) x 0.12 (standard area per metre squared per person, based on total list size of approximately 6,000) x £1,902 (cost of extension including fees per metre squared) = Total Contribution.

This calculation would be included within the Section 106 agreement with the reasoning for the request outlining that no more than five obligations (including those proposed) have been sought for the scheme/project and as such no issues arise in respect of pooling (insofar as the limitations on pooled contributions as set out within the CIL Regulations are concerned). It is noted, however, that the CIL Regulations will be amended on the 1st September 2019 to remove pooling restrictions.

The applicant has confirmed their acceptance to this calculation being included within the Section 106 agreement.

National Forest

The National Forest Company have commented that on the basis of the site area it would be expected that 0.18 hectares should be woodland planting but there is limited opportunities to provide such woodland on the site. On this basis a financial contribution of £6,300 would be expected in order to allow planting to be undertaken elsewhere in the District.

The applicant has confirmed their acceptance to the payment of this contribution.

Play Area/Open Space

Policy IF3 of the adopted Local Plan outlines that on-site play provision and open space, or any off-site contribution, would only be applicable on development proposals of 50 dwellings or more and as such none would be required as part of this proposal.

Insofar as the various developer contributions is concerned the view is taken that the proposed contributions would comply with the relevant policy and legislative tests as set out in the adopted Local Plan, Circular 05/2005, the CIL Regulations and the NPPF.

Other Matters

The Council's Contaminated Land Officer has reviewed the submitted Desk Study and Preliminary Risk Assessment and based on its findings has determined that there are no objections to the application subject to the imposition of conditions associated with the submission of a further Risk Based Land Contamination and relevant Verification Investigation should remediation be required.

Following the submission of a Coal Mining Risk Assessment the Coal Authority have determined that they have no objections to the application subject to the imposition of conditions to secure the submission of a scheme of intrusive site investigations to define the alignment of the opencast highwall and potential presence of shallow mine workings, the provision of a 'no build' zone around the opencast highwall (once its position is identified) and the submission of a scheme of remedial works to address any shallow mine workings.

It is considered that the imposition of such conditions are reasonable given the proposed residential development to be undertaken and the need to ensure the health and safety of future occupants of the proposed dwellings. On this basis the proposal would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 178 and 179 of the NPPF.

In respect of the concerns raised regarding the accuracy of information in the supporting documentation associated with the application, the submitted information together with all of the information gathered when undertaking the site visit and assessing the application have allowed for the application to be fully and adequately assessed in accordance with relevant planning policies.

Conclusion

The site is located within the Limits to Development where the principle of residential development is acceptable, with the development also being within a socially sustainable location and not impacting adversely on the environment due to its visual integration with Fosbrooke Close as well as Hall Gardens and The Leascroft. It is also considered that the site could be developed, at the reserved matters stage, in a manner which would not appear out of keeping with the character and appearance of the surrounding locality, and which would not adversely impact on the amenities of neighbouring residents, highway safety, ecology, archaeology, contaminated land, the coal legacy of the site or further exacerbate any localised flooding issues. There are no other material planning considerations that indicate outline planning permission should not be granted and accordingly the proposal, subject to relevant conditions and the completion of a Section 106 agreement, is considered acceptable for the purposes of the above-mentioned policies.

It is therefore recommended that outline planning permission be granted.

RECOMMENDATION - PERMIT, subject to a legal agreement and conditions and no objections being raised by Natural England;

1. **Timeframe for reserved matters.**
2. **Approval of reserved matters details.**
3. **Approved plans.**
4. **Finished floor and ground levels as part of reserved matters.**
5. **Building for Life 12 (BfL 12) assessment as part of reserved matters.**
6. **Housing mix.**
7. **Access provided.**
8. **Pedestrian and vehicular visibility splays.**
9. **Closure of existing accesses.**
10. **Surface water drainage.**
11. **Risk based land contamination report.**
12. **Verification investigation.**
13. **Coal Authority intrusive site investigation.**
14. **Reserved matters of layout to address findings of Coal Authority intrusive site investigation.**
15. **Great Crested Newts mitigation.**
16. **Reserved matters of layout to include retention of pond, retention and enhancement of foraging habitats around pond and provision of wildlife corridor to retained western boundary hedge.**
17. **Management of retained ecological features and biodiversity enhancements.**
18. **Hedge protection plan during construction.**
19. **Archaeology.**

This page is intentionally left blank