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| Meeting            | <b>CABINET</b>  |
| Time/Day/Date      | 5.00 pm on Tuesday, 28 February 2023                            |
| Location           | Board Room, Council Offices, Whitwick Road, Coalville, LE67 3FJ |
| Officer to contact | Democratic Services (01530 454512)                              |

## AGENDA

| Item  | Pages           |
|---|-----------------|
| <b>1. APOLOGIES FOR ABSENCE</b>   |                 |
| <b>2. DECLARATION OF INTERESTS</b>  |                 |
| Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest. |                 |
| <b>3. PUBLIC QUESTION AND ANSWER SESSION</b>  |                 |
| <b>4. MINUTES</b>   |                 |
| To confirm the minutes of the meeting held on 31 January 2023.  | <b>3 - 8</b>    |
| <b>5. CASTLE DONINGTON CONSERVATION AREA: ADOPTION OF CHARACTER APPRAISAL AND BOUNDARY REVIEW</b>   |                 |
| Report of the Strategic Director of Place<br>Presented by the Planning Portfolio Holder   | <b>9 - 74</b>   |
| <b>6. FIRST HOMES INTERIM POLICY STATEMENT</b>  |                 |
| The report of the Strategic Director of Place<br>Presented by the Planning Portfolio Holder.  | <b>75 - 92</b>  |
| <b>7. RESPONSE TO GOVERNMENT CONSULTATION: LEVELLING-UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY</b>  |                 |
| The report of the Strategic Director of Place<br>Presented by the Planning Portfolio Holder.  | <b>93 - 134</b> |

Circulation:

Councillor R Blunt (Chairman)  
Councillor R Ashman (Deputy Chairman)  
Councillor R D Bayliss  
Councillor T Gillard  
Councillor K Merrie MBE  
Councillor N J Rushton  
Councillor A C Woodman

MINUTES of a meeting of the CABINET held in the Council Chamber, Council Offices, Whitwick Road, Coalville, LE67 3FJ on TUESDAY, 31 JANUARY 2023

Present: Councillor R Blunt (Chairman)

Councillors R Ashman, R D Bayliss, T Gillard, K Merrie MBE, N J Rushton and A C Woodman

Officers: Ms A Thomas, Mr J Arnold, Mr A Barton, Miss E Warhurst, Mr G Hammons, Mrs A Crouch, Ms R Haynes, Mr R Kyei, Ms S Thirkettle and Mrs R Wallace

**61. APOLOGIES FOR ABSENCE**

No apologies were received.

**62. DECLARATION OF INTERESTS**

No interests were declared.

**63. MINUTES**

The minutes of the meeting held on 10 January 2023 were confirmed to be an accurate record.

It was moved by Councillor K Merrie, seconded by Councillor R Bayliss and

RESOLVED THAT

The minutes of the 10 January 2023 be confirmed as an accurate record of proceedings.

**64. MINUTES OF THE COALVILLE SPECIAL EXPENSES WORKING PARTY**

The Business and Regeneration Portfolio Holder presented the report to members and acknowledged the time which the working party had spent considering the draft budget, for which Cabinet had been grateful. It was noted that the working party had been expected to produce a balanced budget without an increase in the level of precept.

Councillor T Gillard wished to move that the wording of the recommendation be amended to request that Cabinet “considers” rather than “agrees” the recommendation from the working party. This was seconded by Councillor N Rushton and is reflected in the recommendations below.

The amendment was put to the vote and was supported unanimously.

Councillor J Legrys requested to speak in order to clarify proceedings at the meeting of the Coalville Special Expenses Working Party. Councillor J Legrys stated that the working party had been tasked with making cuts to expenditure and had worked closely with the finance team, however had felt that they did not have sufficient time to cover the issue in detail. It was noted that the working party had provided a series of recommendations but that the working party was now “past its sell by date” and that cross-party collaboration would be required to reach a resolution regarding the next steps. Councillor J Legrys expressed a hope that Cabinet would be able to reach a decision of how money would be spent within the Coalville Specials area. The Leader thanked Councillor J Legrys and agreed that at present the working party and its remit was not fit for purpose and acknowledged that should the Conservative administration remain after the election, the improvement of the functions of the working party would be a priority.

The Portfolio Holder wished to thank Councillor J Legrys and members of the working party for their efforts.

As the Portfolio Holder of whom the working party was previously under, Councillor A Woodman wished to note that he concurred that reforms would be necessary. Councillor Woodman also drew attention to the minutes of the Coalville Special Expenses Working Party whereby a member had claimed that Coalville Town Football Club had been a “profit making organisation”, however, Councillor Woodman disputed this and had confirmed with the Chairman of the club that of the last five years which were ‘non covid’, the club had run at a loss.

The recommendations as amended were formally moved by Councillor T Gillard, seconded by Councillor N Rushton

RESOLVED THAT:

1. The minutes of the Coalville Special Expenses Working Party held on 24 January 2023 be noted by Cabinet.
2. Cabinet considers that the Coalville Special Expenses Working Party precept be increased by the maximum allowed without triggering a referendum.

#### **65. ROBUSTNESS OF BUDGET ESTIMATES AND ADEQUACY OF RESERVES**

The Corporate Portfolio Holder presented the report and noted that this was a report of the Head of Finance which would be considered at Council. It was highlighted that there had been a positive opinion on the robustness of the budget and the adequacy of reserves.

It was moved by Councillor N Rushton, seconded by Councillor K Merrie and

RESOLVED THAT:

The S151 Officer’s advice set out in this section 7 of the Appendix be noted by Cabinet, and the content of this report as part of proposing to Council the General Fund Budget Report 2023/24, Housing Revenue Account Budget 2023/24 Report and the Capital Strategy and Treasury Management Strategy 2023/24 be carefully considered by Cabinet.

#### **66. CAPITAL STRATEGY, TREASURY MANAGEMENT STRATEGY AND PRUDENTIAL INDICATORS 2023/24**

The Corporate Portfolio Holder presented the report and outlined the key changes in the capital strategy which would be to improve the governance and the process of managing schemes through their project lifecycle. It was noted that new schemes will be funded through business rates as opposed to borrowing.

It was moved by Councillor N Rushton, seconded by Councillor R Blunt and

RESOLVED THAT:

1. The attached Council report (Appendix A) be endorsed and recommended by Cabinet to Council for approval at its meeting on 23 February 2023.
2. Authority be delegated to the Section 151 Officer, in consultation with the Corporate Portfolio Holder, to make amendments to the report to improve its accuracy prior to consideration at Council on 23 February 2023.

**67. GENERAL FUND BUDGET AND COUNCIL TAX 2023/24**

The Corporate Portfolio Holder presented the report and noted the inflationary pressures of 10%+ on some services, and also highlighted the risks on the level of funding from the government in the medium term. The Portfolio Holder wished to congratulate the Leader on the council tax freeze which had been in place for 14 years. It was noted that Cabinet considered it important to freeze the level of council tax for all residents during challenging financial times and proposed a balanced budget for the Coalville Special Expenses Working Party area without increasing the precept.

It was moved by Councillor N Rushton, seconded by Councillor R Bayliss and

RESOLVED THAT:

1. The attached Council report (Appendix A) be endorsed by Cabinet and recommended to Council for approval at its meeting on 23 February 2023.
2. The Section 151 Officer, in consultation with the Corporate Portfolio Holder, be delegated authority to make amendments to the report to improve its accuracy prior to consideration at Council on 23 February 2023.

**68. HOUSING REVENUE ACCOUNT BUDGET AND RENTS 2023/24**

The Housing, Property and Customer Services Portfolio Holder presented the report, and highlighted the inflationary pressures which the authority would be under. It was noted that whilst inflation stood at 10%, there had been a government cap on rent rises of 7% but that this would be absorbed for vulnerable tenants by a rise in benefits which matched inflation.

It was moved by Councillor R Bayliss, seconded by Councillor A Woodman and

RESOLVED THAT:

1. The attached Council report (Appendix A) be endorsed by Cabinet and recommended to Council for approval at its meeting on 23 February 2023.
2. The Section 151 Officer, in consultation with the Corporate Portfolio Holder, be delegated authority to make amendments to the report to improve its accuracy prior to consideration at Council on 23 February 2023.

**69. COMMUNITY SCRUTINY - FUEL POVERTY TASK & FINISH REPORT**

The Housing, Property and Customer Services Portfolio Holder presented the report and noted that he had been glad to see Scrutiny carry out this piece of work.

Councillor T Eynon requested to speak and informed the meeting that there had been much to welcome within this report. It was noted that the report covered both the Council's housing stock and also privately rented stock within the community. It was noted that the authority would be changing the housing management and housing asset management plan to consider more clearly the link between fuel poverty and carbon reduction. Councillor T Eynon noted that private tenants find it very difficult to complain and that services for private tenants would be changed in order to be less complaints driven, and that this would be facilitated by the Environmental Protection team accessing data on EPC ratings and that the authority had begun to contact private landlords in order to address the problem of many properties not attaining minimum efficiency standards.

Councillor T Eynon raised concerns that some of the funding appeared to be coming from the Disabled Facilities Grant and that there would be no strategy, delivery plan or effective

performance management or monitoring arrangements. It was asserted that a fuel poverty strategy would need to bring information together, update it and monitor it but that would not lead to extra work and could be drawn from existing data.

It was moved by Councillor R Bayliss, seconded by Councillor A Woodman and

RESOLVED THAT:

1. The Task and Finish group be thanked for their work on this issue by Cabinet.
2. The suggested Scrutiny recommendations and the responses to those recommendations are as set out below:
  - *Scrutiny Recommendation 1*  
*The Council should adopt a locally agreed measure and consider individuals or households to be in fuel poverty when after they spend the required amount to heat their home, households are left with a residual income below the official poverty line. A subset of this measure would include those households that reside in a property with an EPC rating of 'D or below.*  
 It was moved that Cabinet did not support this recommendation.
  - *Scrutiny Recommendation 2*  
*The Council is invited to develop and deliver a fuel poverty reduction strategy and associated delivery plan, alongside effective performance management and monitoring arrangements.*  
 It was moved that Cabinet did not support this recommendation.
  - *Scrutiny Recommendation 3*  
*The Council is invited to consider its approach to both its housing investment programme and its commitment to addressing fuel poverty, and specifically a 'fabric first' approach to ensure that all properties in the first instance are brought up to an EPC rating of C or above.*  
 It was moved that Cabinet did not support this recommendation.
  - *Scrutiny Recommendation 4*  
*The Council is invited to evaluate the robustness of its housing stock management, investment and repairs programme and in the delivery of this, consider action to improve its engagement with tenants.*  
 It was moved that Cabinet did not support this recommendation.
  - *Scrutiny Recommendation 5*  
*The Council is invited to develop a more robust data base to:*
    - *Support a more comprehensive understanding of the incidence and drivers of local fuel poverty.*
    - *Improve understanding of the condition of the local housing base of local authority, social and private rented sector housing.*
    - *Inform and support the monitoring of Council interventions and policy decisions.*
 It was moved that Cabinet supports this recommendation.
  - *Scrutiny Recommendation 6*  
*In order to better develop capacity to drive the improvement in housing standards and energy efficiency, Members invites the Council to consider the potential to recruit a dedicated private rental sector officer/team. This may be a 'locally owned'*

*resource, or the Council may explore the potential for securing joint arrangements with a neighbouring council(s).*

It was moved that Cabinet supports this recommendation.

- *Scrutiny Recommendation 7*

*As part of its work in addressing fuel poverty, the Council is invited to consider the potential for improving its communication on these matters, with communication and engagement seen as a key element of any wider Council led approach. As a minimum, the Council may wish to ensure that all frontline officers and customer service contacts have access to up to date information and are able to efficiently signpost residents to additional support, advocacy, or referrals.*

It was moved that Cabinet supports this recommendation.

3. The Portfolio Holder for Housing, Property and Customer Services to speak with Councillor T Eynon outside of the formal meeting.

The meeting commenced at 5.00 pm

The Chairman closed the meeting at 5.28 pm

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| <b>Title of Report</b>                     | <b>CASTLE DONINGTON CONSERVATION AREA: ADOPTION OF CHARACTER APPRAISAL AND BOUNDARY REVIEW</b>  |                           |
| <b>Presented by</b>                        | Councillor Keith Merrie<br>Planning   |                           |
| <b>Background Papers</b>                   | Draft character appraisal and maps; draft boundary review and maps<br><a href="http://www.nwleics.gov.uk/castle-donington">www.nwleics.gov.uk/castle-donington</a>  | <b>Public Report:</b> Yes |
|  |   | <b>Key Decision:</b> Yes  |
| <b>Financial Implications</b>              | No financial implications have been identified (see <i>staffing and corporate implications</i> below).  |                           |
|  | <b>Signed off by the Section 151 Officer:</b> Yes   |                           |
| <b>Legal Implications</b>                  | No legal implications have been identified.   |                           |
|  | <b>Signed off by the Monitoring Officer:</b> Yes  |                           |
| <b>Staffing and Corporate Implications</b> | No staffing or corporate implications have been identified. No properties would be added to the conservation area; hence there would be no increase in the likely number of householder applications for planning permission.   |                           |
|  | <b>Signed off by the Head of Paid Service:</b> Yes  |                           |
| <b>Purpose of Report</b>                   | (a) To consider responses to the recent public consultation;<br>(b) To adopt the revised character appraisal and boundary review for the Castle Donington conservation area.  |                           |
| <b>Reason for Decision</b>                 | Adoption of the revised character appraisal and boundary review would support the Council in fulfilling its duties under the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to the designation and review of conservation areas.                        |                           |
| <b>RECOMMENDATIONS</b>                     | <b>THAT CABINET:</b><br><br>1. <b>APPROVES THE DIVISION OF THE EXISTING CONSERVATION AREA INTO THE ‘CASTLE DONINGTON’ AND ‘HIGH STREET’ CONSERVATION AREAS.</b><br>2. <b>ADOPTS THE CHARACTER APPRAISAL AND BOUNDARY REVIEW FOR THE ‘CASTLE DONINGTON’ CONSERVATION AREA.</b> |                           |

## 1.0 BACKGROUND

- 1.1 Section 69(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 (“the 1990 Act”) defines a conservation area as an area of special architectural or historic interest, the character of which it is desirable to preserve or enhance.
- 1.2 The Council has a duty under Section 69(1) of the 1990 Act to determine periodically which parts of its area meet this definition and to designate these areas as conservation areas. The Council also has a duty under Section 69(2) of the 1990 Act to review periodically the past exercise of this duty and to consider whether any further parts of their area meet this definition and to designate those parts as conservation areas accordingly.

- 1.3 Officers prepared a draft character appraisal and boundary review for the Castle Donington conservation area in accordance with Section 69(2) of the 1990 Act. The draft documents were informed by initial consultation with the ward member and representatives of the Parish Council and the local Traders Association.
- 1.4 Officers have prepared a revised character appraisal and boundary review following a period of public consultation. The revised character appraisal would provide the basis for making informed and sustainable decisions about the future of the area. It may inform decisions on application for development that would affect the conservation area. It may inform the development of a management plan for the conservation area.

#### Division of the conservation area

- 1.5 It is proposed to divide the existing conservation area in two; hence the revised character appraisal says that “at its south-west corner the conservation area adjoins the High Street conservation area, which will be the subject of a future appraisal”.
- 1.6 Dividing the conservation area would reflect the historic development of the settlement. The ‘High Street’ conservation area does not contain any of the settlement’s principal medieval buildings (i.e. the castle, church and hospital) and nor was it subject to phases of Georgian and Victorian expansion. In the twentieth century the ‘High Street’ conservation area did not experience large-scale demolition.
- 1.7 Dividing the conservation area would reflect the problems and pressures experienced in different parts of the settlement. The revised character appraisal describes the health of the primary shopping area and it describes the air quality management area (AQMA) on Bondgate. These elements of the revised character appraisal are not relevant to the ‘High Street’ conservation area.

## **2.0 CONSULTATIONS**

- 2.1 Between 5 February and 18 March 2020 the following people and organisations were consulted regarding the draft character appraisal and boundary review:

- District Councillors Tony Saffell and Rachel Canny;
- Leicestershire County Council and Castle Donington Parish Council;
- Castle Donington Museum;
- The local traders’ association;
- Historic England and the seven National Amenity Societies;
- Owners and occupiers affected by the draft boundary review.

- 2.2 Six publicity posters were displayed in the conservation area, as follows:

- On Spittal, at the entrance to Spittal Hill;
- At the junction of Bondgate and Hillside;
- At the junction of Bondgate and Market Street;
- At the junction of Borough Street and Church Lane;
- At the junction of Borough Street and Hillside;
- At the junction of Apiary Gate and Clapgun Street.

- 2.3 The District Council’s conservation officer met with the Parish Council’s Planning Committee on the 13 February 2020 to discuss the draft character appraisal and boundary review. The conservation officer held drop-in sessions at the Castle Donington parish hub on 20 February and 5 March 2020.

- 2.4 Appendix 1 records the consultation responses received and explains how these responses have been taken into account.

### 3.0 PUBLIC CONSULTATION RESPONSES

- 3.1 Eight consultation responses were received. Substantial responses were received from the Parish Council’s Planning Committee and the regional branch of Historic England. Two responses were received from residents affected by the draft boundary review.
- 3.2 The Parish Council’s Planning Committee resolved to ‘accept’ the character appraisal and boundary review subject to the retention of Pinfold Gardens within the conservation area. Historic England advised that ‘Hillside Orchard’ should be “retained within the conservation area”. The character appraisal and boundary review have been revised accordingly.
- 3.3 Historic England advised that the character appraisal should contain more information regarding the scheduled monument and the settlement’s archaeological interest generally. The revised character appraisal takes appropriate account of this advice.
- 3.4 The revised character appraisal and boundary review reflect best practice and take appropriate account of the responses received during the public consultation period. Since March 2020 there has been marginal change to the character and appearance of the conservation area. Hence officers are satisfied that the content of the revised character appraisal and boundary review is still relevant.
- 3.5 It is recommended that the Cabinet adopts the revised character appraisal and boundary review for the Castle Donington conservation area.

| <b>Policies and other considerations, as appropriate</b> |  |
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| Council Priorities:                                      | None relevant.   |
| Policy Considerations:                                   | The adopted local plan recognises that the Council has a “key role in the conservation of heritage assets” and that this role includes “undertaking conservation area appraisals” (paragraph 11.12).   |
| Safeguarding:  | No considerations made.  |
| Equalities/Diversity:                                    | No considerations made.  |
| Customer Impact:   | No direct impact identified.   |
| Economic and Social Impact:                              | No direct impact identified.   |
| Environment and Climate Change:                          | No direct impact identified.   |
| Consultation/Community Engagement:                       | Please refer to section 2.0 above.   |
| Risks:   | If the character appraisal and boundary review are not adopted then the Council may not fulfil its relevant duties under the Planning (Listed Buildings and Conservation Areas) Act 1990.<br>If the character appraisal and boundary review are amended prior to adoption then they may not reflect best practice or take appropriate account of the public consultation responses received. |
| Officer Contact  | James White<br>Senior Conservation Officer<br><a href="mailto:james.white@nwleicestershire.gov.uk">james.white@nwleicestershire.gov.uk</a>   |

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### Castle Donington conservation area: Character appraisal and boundary review

#### Summary of public consultation responses

| Consultee  | Consultee's response   | NWLDC officer comments   |
|--|--|--|
| <p>Manager<br/>Millhouse Business<br/>Centre</p> | <p>Telephone conversation 5 February. Supported the removal of their land from the conservation area – “absolutely fine with that”.</p>  | <p>Noted.</p>  |
| <p>Resident<br/>16 Mount Pleasant</p>            | <p>Email 5 February. Objected to the removal of their property from the conservation area. Houses on Mount Pleasant “have retained their original character”. Designation “adds value to my property” and ensures that “neighbours cannot make any big or ugly alterations”.</p> | <p><b>Not accepted.</b> The Council should consider whether properties on Mount Pleasant contribute to an area of special interest. We should not consider other matters such as property values or the effect that removal would have upon permitted development rights.</p> <p>Generally the conservation area boundary reflects the extent of the village c.1840. The conservation area is dominated by buildings erected before c.1884. In contrast properties on Mount Pleasant were erected after c.1884. The boundary review describes them as “standard post-byelaw houses that do not contribute to the significance of the conservation area”.</p> |

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| <p>Resident<br/>3 Apiary Gate</p> | <p>Online consultation response 6 February. Advised that the character appraisal should contain “more detail on individual properties”.</p> <p>Asked “who pays” for the enhancement opportunities; for instance regarding the redevelopment of the church hall “the church will never pay nor the council”.</p> <p>Advised that the draft boundary review “seems reasonable”.</p> <p>Emails 7 and 13 February. Advised that “more should be done to control the commercial properties of Borough Street and Market Street”. Noted the “new façade” at 35 Borough Street. Noted “the studding you can see through [the] windows” at 1 Market Street. Noted “overflowing bins”.</p> | <p><b>Partly accepted.</b> The revised document notes that Ryder (1997) contains a detailed gazetteer of historic buildings in the conservation area. See paragraph 3.2. Otherwise Historic England (2019) advises that a character appraisal should describe the “general identity and character of the conservation area”.</p> <p>Noted. The NPPF advises that “local planning authorities should look for opportunities for new development within conservation areas ... to enhance or better reveal their significance” (paragraph 206).</p> <p>Noted.</p> <p>Noted. The character appraisal notes the negative contribution made by 35 Borough Street and 1 Market Street. See paragraphs 5.20 and 5.42. The local planning authority cannot control internal alterations to unlisted buildings, regardless of whether those alterations are visible from the street. Generally trade waste bins do not affect the character of the ‘Borough Street and Market Place’ character zone.</p> |
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| <p>Cllr Tony Saffell<br/>Castle Ward</p> | <p>Email 11 February. Generally agreed “with the issues you have raised” and hoped that the character appraisal and the Shop Fronts &amp; Advertisements SPD “will give more control over what is allowed to happen in our conservation area”.</p> <p>5.37: “Mention of ‘Manor House’ as a character zone is confusing for locals because our manor house was always Donington Hall.”</p> <p>6.13: “Gritstone kerbs are actually locally quarried sandstone and were the only kerbs we had [until] LCC decided that they should be replaced. Initially in Borough Street they installed Scottish (grey) granite; subsequently they have replaced further sandstone kerbs with Chinese (purple) granite.”</p> <p>6.13: “The pedestrian safety railing was installed in the early 1950s because in those days lorries had inferior braking systems; I remember quite a few embedded in the front of the Cross Keys PH.”</p> | <p>Noted.</p> <p><b>Accepted.</b> The revised document refers to the ‘Hotel’ character zone. See paragraphs 5.39ff and 9.2.</p> <p><b>Partly accepted.</b> References to gritstone have been replaced with sandstone; see paragraphs 6.13ff and 9.11. The revised document refers to Leicestershire County Council’s work on Borough Street; see footnote 27. Cllr Saffell has accepted that some granite kerbs – e.g. those on the west side of Bondgate – are authentic.</p> <p><b>Accepted.</b> The revised document proposes that the railing should be removed as part of the traffic management scheme; see paragraph 9.11.</p> |
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| <p>Cllr Tony Saffell<br/>Castle Ward<br/>(continued)</p>            | <p>6.15: York stone flags outside the church gate “were replaced by LCC about 20 years ago. This area has been paved with York stone for as long as anyone can prove – at least 250 years” (i.e. since c.1770).</p> <p>8.16ff: The surgery development “was masterminded and run by Leicestershire County Council – the RDC had little choice but to rubber stamp the plans. The flat roof section was added in 2008.”</p> | <p><b>Partly accepted.</b> The revised document refers to Leicestershire County Council’s work; see footnote 27. It is unlikely that the area has been paved with stone since c.1770 as the entrance to the churchyard was not erected until the early nineteenth century.</p> <p><b>Partly accepted.</b> Leicestershire County Council was not the applicant in 1972. The surgery was extended c.2008. See footnote 12.</p> |
| <p>→ Castle Donington<br/>Parish Council<br/>Planning Committee</p> | <p>Meeting 13 February 2020. The committee resolved to accept the character appraisal and boundary review but recommended that Pinfold Gardens should “remain within the conservation area boundary as its open aspect has a significant impact on character”.</p> <p>Members also recommended a minor alteration to the conservation area boundary on Eastway to reflect boundaries that appear on the ground.</p>        | <p><b>Accepted.</b> The boundary review has been amended to omit references to Pinfold Gardens. The land has been added to the ‘Bondgate North’ character zone. See paragraph 5.13.</p> <p><b>Accepted.</b> See paragraph 6 of the boundary review.</p>  |



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| <p>Castle Donington Parish Council Planning Committee (continued)</p> | <p>Members noted that the tennis club is now a bowls club (character appraisal paragraph 4.1; boundary review paragraph 4).</p> <p>Members noted the traditional spelling of 'Spital' and noted that Spital Park retains this spelling<sup>1</sup>.</p> | <p><b>Partly accepted.</b> The character appraisal refers correctly to the tennis club's historic development. The boundary review has been amended to take account of the committee's advice. See paragraph 3.</p> <p><b>Accepted.</b> See footnote 24.</p> |
| <p>Castle Donington Local History Society</p>                         | <p>Drop-in session 5 March. Objected to the removal of the Millhouse Business Centre from the conservation area.</p>  | <p><b>Not accepted.</b> Officers advise that the Millhouse Business Centre should be removed from the conservation area for the reasons set out in paragraph 1 of the boundary review.</p>   |
| <p>Resident<br/>54 Borough Street</p>                                 | <p>Telephone conversation 17 March. Objected to the inclusion of part of her property within the 'Hollow' development opportunity area.</p>   | <p><b>Accepted.</b> Maps 5 and 11 have been amended to reflect the resident's objection.</p>   |

<sup>1</sup> The road appears as 'Spital' on the 1963 Ordnance Survey map but it appears as 'Spittal' on the 1972 map.

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| <p>Historic Environment<br/>Planning Adviser<br/>Historic England</p> | <p>Letter 17 March. Advised generally that we should provide “greater analysis of the archaeological importance [of] the proposed conservation area and its buffer”. Advised generally that we should provide “a more robust analysis of the designated assets and the historic development of the settlement”. Identified five “key areas of concern”:</p> <ol style="list-style-type: none"> <li>1. Recommended (a) that Hillside Orchard should be “retained within the conservation area”. The sloping site “is largely free of development” and “makes a strong positive contribution to the understanding of the castle’s strategic position”. Recommended (b) that the archaeological alert area, “which currently only replicates the scheduled monument”, should be “enlarged to cover the known extent of the planned medieval settlement”.</li> <li>2. Advised that “the discussion of Castle Donington before enclosure is not sufficiently detailed to underpin the character appraisal”. Advised that “the discussion needs to better reflect the known development of the medieval settlement, emphasising the development of the castle and its planned settlement”.</li> </ol> | <p>Noted.</p> <p><b>Accepted.</b> The boundary review has been amended to omit references to Hillside Orchard. The land has been added to the ‘Castle’ character zone. See paragraph 5.26.</p> <p><b>Partly accepted.</b> Map 3 indicates an archaeological alert area (AAA) that generally reflects the extent of the village c.1840. Map 3 has been amended to clarify the extent of the AAA and the scheduled monument.</p> <p><b>Partly accepted.</b> The revised document contains additional paragraphs describing the extent of the castle and the suggested “medieval defensive enclosure” surrounding Borough Street. Ryder (1997) describes the evidence for the enclosure as “largely illusory”. See paragraphs 3.6 and 3.14.</p> |
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| <p>Historic Environment<br/>Planning Adviser<br/>Historic England<br/>(continued)</p> | <p>3. Advised (a) that the Hollow represents “the line of the outer defences of the castle”. Advised that the line of the road “is important to the understanding of ... the castle” and that buried remains “that contribute to the significance of the scheduled monument ... will be present”.</p> <p>Advised (b) that “any development in this area [would] need to be carefully considered and supported by a heritage assessment”.</p> <p>4. Advised (a) that our analysis of the ‘Castle Hill and Moat’ character zone should emphasise “that much of the area is a scheduled monument” and hence that “works within this area ... are likely to require scheduled monument consent”.</p> <p>Advised (b) that “any development in this area [would] need to be carefully considered and supported by a heritage assessment”.</p> | <p><b>Accepted.</b> Officers have identified an opportunity to enhance character through the replacement of 3 to 10 The Hollow. The revised document contains an additional paragraph advising that the land is “within the extent of the castle” and “development should conserve [its] buried remains”. See paragraph 8.13.</p> <p>Noted. The Council’s validation requirements (2011) specify that a heritage statement would be required.</p> <p><b>Accepted.</b> See paragraph 5.25.</p> <p>Noted. The Council’s validation requirements (2011) specify that a heritage statement would be required.</p> |
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| <p>Historic Environment Planning Adviser<br/>Historic England<br/>(continued)</p> | <p>5. Advised (a) that the draft appraisal contains “no analysis of views” and hence “the views and landmarks identified in the document do not have an evidence base”. Advised that an analysis should consider “the topographic aspects of the settlement”.</p> <p>Advised (b) that an analysis should consider (i) “views along Borough Street to Castle Hill, (ii) “the curvature of the Hollow” and (iii) “the views along the outer streets of the historic core [that] may represent the ... boundary of the medieval planned settlement”.</p> | <p><b>Not accepted.</b> Paragraph 7.1ff reflects evidence gathered from site inspections and meetings with key stakeholders.</p> <p><b>Partly accepted.</b> The revised document contains an addition paragraph describing ‘terminating features’ that contribute positively or negatively to character. See paragraph 7.4. The “view along Borough Street to Castle Hill” is in fact a view toward the ‘Hollow’ opportunity area. The view does not contribute positively to character.</p> |
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# **CASTLE DONINGTON CONSERVATION AREA CHARACTER APPRAISAL**

**REVISED  
FEBRUARY 2023**

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## 1. Introduction

- 1.1. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 defines a conservation area as an area of “special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”.
- 1.2. The Castle Donington conservation area was designated in November 1972. Revisions to the designated boundary took effect in December 2000 and a character appraisal was adopted in March 2001. Further boundary revisions are proposed as a result of this appraisal. The proposed boundary is shown on map 4.

### The conservation area since c.2001

- 1.3. Since c.2001 development affecting the conservation area has included the following:
  - Care Home: On Delven Lane, a “nursing or residential home” erected after 1999;
  - Silk Mill: Off Station Road, three office buildings erected c.2002;
  - 24 to 30 Station Road: A terrace of four houses erected c.2002;
  - 2A Biggin: A bungalow erected c.2005;
  - 12 to 14 Station Road: Substantial alterations to the front elevation c.2007;
  - Veterinary surgery: Off Delven Lane, a veterinary surgery erected c.2008.
- 1.4. Pamela Fisher’s *Victoria History of Castle Donington* was published in 2016.

## 2. Location and setting

- 2.1. Castle Donington is a parish in NW Leicestershire District. Castle Donington is about 11 miles SE of Derby and about 14 miles SE of Nottingham.
- 2.2. The amended NW Leicestershire Local Plan (NWLDC, 2021) recognises Castle Donington as a ‘key service centre’, i.e. a settlement that provides services and facilities to the surrounding area and that is accessible by some sustainable transport.
- 2.3. Because of its role as a key service centre, a significant amount of development will take place in Castle Donington. In 2015 the District Council permitted the erection of up to 895 dwellings on land to the south of Park Lane (09/01226/OUTM).
- 2.4. For statistical purposes, England and Wales is divided into Lower Super Output Areas (LSOAs). With the exception of Bondgate the conservation area is in ‘NW Leicestershire 1B’. The level of deprivation in this LSOA is similar to the national median. Bond Gate is in ‘NW Leicestershire 1E’. This LSOA is “among the 10% least deprived neighbourhoods in the country”<sup>1</sup>.
- 2.5. The settlement core is situated on the Helsby formation, a ridge of Triassic sandstone that “runs almost due east-west across the centre of the parish”. The formation’s northern edge “forms part of the castle’s defences” and “falls away sharply to a low-lying plain along Spittal” (Fisher, 2016). The remains of the castle are situated at about 65m AOD; the Spittal is situated at about 35m AOD. At the south east corner of the conservation area, the County Council School is situated at about 75m AOD.

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<sup>1</sup> There are 34378 LSOAs in England and Wales. These are ranked by deprivation with 1 being the most deprived and 17189 being the national median. NW Leicestershire 1B is ranked 18130 and NW Leicestershire is ranked 31343.



2.6. Bondgate follows the course of the village brook, which was culverted c.1812-14. The settlement core is situated less than two miles SE of the River Trent.

2.7. At its south-west corner the conservation area adjoins the High Street conservation area, which will be the subject of a future appraisal. Proceeding clockwise from this corner, the setting of the conservation area may be described as follows:

**West of the conservation area**

2.8. Generally the west side of the conservation area is bounded by sites that were developed with volume housing after c.1972. Generally the housing does not affect the conservation area's setting. The housing is laid out on a plateau above Bond Gate; there is no direct connection between the housing and the conservation area. The sites are as follows:

- 10a to 10d Peartree Close, four detached houses developed after 1981.
- Carrs Close and Grange Drive, part of a volume housing estate developed c.1972-81.
- Champion Hill, Harcourt Place and Monteith Place, part of a volume housing estate developed after 1981.

**North of the conservation area**

2.9. The north side of the conservation area is bounded by a mix of open and developed sites as follows:

- Open land to the south of the Spittal.
- Open land to the north of the Spittal, including the Spittal Playing Field.
- Tanyard Close, a cul-de-sac of detached houses erected c.1987.
- Georgina Court, a terrace of eight houses erected c.1975.
- 24 to 30 Station Road, a terrace of four houses erected c.2002.
- 1 to 9 Hillside, four detached houses developed piecemeal c.1921-81.
- Montford Mews, a cul-de-sac of semi-detached houses developed after 1981.

2.10. Open land to the north of the Spittal was designated as a 'protected open space' in the 1991-2006 local plan. The open nature of this land contributes positively to the setting of the Spittal 'east' character zone (pictured right). Open land to the south of the Spittal makes a neutral contribution to the setting of the conservation area. Generally the developed sites make a negative contribution to setting.



### **East of the conservation area**

- 2.11. Generally the east side of the conservation area is bounded by sites that were redeveloped for housing after c.1921 (pictured right)<sup>2</sup>.

Generally the housing sites make a negative contribution to the setting of the conservation area; there are direct connections between the housing sites and the conservation area. The sites are as follows:



- 13 to 31 Barroon, nine detached bungalows erected c.1921-48.
  - 10 to 24 Barroon, four pairs of semi-detached houses erected c.1921-27.
  - 1 to 53 Biggin, fifteen bungalows erected c.1963-65.
  - 2 to 16 Biggin, four pairs of semi-detached bungalows erected c.1948-57.
  - 55 to 61 Biggin, a much altered pre-byelaw terrace of houses.
  - Grays Close, four detached houses erected c.1987-90.
  - Land to the rear of 61 to 73 Clapgun Street, garden land developed c.1921-63.
  - 3 to 13 Eastway, three pairs of semi-detached houses erected c.1921-30.
- 2.12. A mature tree at 13 Barroon contributes positively to views out of the conservation area.

### **South of the conservation area**

- 2.13. The south side of the conservation area is bounded by a mix of late Victorian and modern developments as follows:

- Castle Donington Community College, a secondary school erected c.1948-63.
  - Hastings Street and Mount Pleasant, houses erected between 1884 and 1921.
  - The 'civic centre', development including a library and social centre erected between 1962 and 72.
  - Barn Close, three detached houses erected c.1989-90.
- 2.14. Hastings Street and Mount Pleasant comprise standard post-byelaw houses. The houses make a neutral to positive contribution to the setting of the conservation area. Generally the modern developments make a negative contribution to setting.

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<sup>2</sup> To the east of the Biggin and Clapgun Street, note Garden Crescent, semi-detached houses erected by the Rural District Council c.1947-51.

### 3. Historic development (c.1066 to c.1921)

#### Sources

3.1. Section 11 contains a bibliography of sources. In addition, the following sources have been consulted:

- The enclosure award map (1779) held at Leicestershire Record Office (DE5251/2);
- Ordnance Survey 1:2500 maps of 1884, 1903, 1921, 1963, 1972 and 1981;
- Vertical aerial photographs taken in 1948;
- Castle Donington Rural District Council's building plan registers, 1948 to 1974;
- NW Leicestershire District Council's planning registers, 1974 to present.

3.2. Peter Ryder's *historic buildings appraisal* (1997) contains a detailed gazetteer of historic buildings in the conservation area.

#### Manorial and administrative history

3.3. In 1633 the manor of Castle Donington was purchased by Sir John Coke of Melbourne Hall. In 1751 his descendant George Lewis Coke died without issue and the manor passed to his brother-in-law Sir Matthew Lamb. In 1848 his grandson William Lamb died without issue and the manor passed to his brother-in-law Peter Cowper. In 1905 his grandson Francis Cowper died without issue and the manor passed to his brother-in-law Lord Walter Kerr. In 2015 the residual manorial rights remained with the Kerr family of Melbourne Hall. Fisher (2016) refers to documents held by the Melbourne Hall Estate Office.

3.4. Castle Donington was administered from 1894 to 1974 by the Castle Donington Rural District Council. It has been administered since that date by NW Leicestershire District Council.

#### Castle Donington before enclosure

3.5. The settlement appears in the Domesday Book of 1086 as *Dunintone*. The castle was probably built in the 1140s and a hospital is believed to have been founded by 1190. The chancel of the parish church (pictured right) was built in the early or mid-thirteenth century. A charter for a market and fair was granted in 1278 (Fisher, 2016).



3.6. Ryder (1997) repeats a suggestion that settlement around the church “may have ... been constructed within an early outer bailey to the castle or [may] have received defensive walls at some time”. Ryder found “little of substance” in this suggestion and concluded that the evidence was “largely illusory”<sup>3</sup>. Fisher (2016) says that Borough Street has characteristics that “suggest that this was intended to be the heart of a planned town”.

3.7. Timber framing was the preferred construction technique before about 1700. Six properties in the study area exhibit timber framing externally and a further six are known to contain

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<sup>3</sup> For instance the long wall “behind the properties on the east side of Bondgate” (i.e. the suggested west boundary of the defensible settlement) “is not shown at all on the enclosure award map”.

cruck trusses. Six properties in the conservation area are faced in rubble stone, including the chancel of the parish church. These properties are indicated on map 1.

- 3.8. Castle Donington's open fields were enclosed in 1779. Map 1 indicates the extent of the settlement at that date.

**Georgian development (c.1779 to c.1840)**

- 3.9. Development between c.1779 and c.1840 comprised the following (please refer to map 1).

- 1) Land to the east of Station Road: The OS 1884 map indicates development on land to the east of Station Road, including the Lamb Inn. Surviving buildings date to the early or mid nineteenth century (Ryder, 1997).
- 2) Land between Bondgate and Hillside: The OS 1884 map indicates development on land between Bondgate and Hillside, including the village pinfold. Surviving buildings date to the early nineteenth century (Ryder, 1997).
- 3) Land to the east of Bondgate: The OS 1884 map indicates development to the east of Bondgate. Development occurred "following the culverting of the town brook between 1812 and 1814" (Fisher, 2016). Most buildings here were demolished in the twentieth century. Most surviving buildings were erected in the mid-nineteenth century (Ryder, 1997).
- 4) Land to the north of Barroon: The OS 1884 map indicates development to the north of Barroon, including 'North View' and a Friends Meeting House. The Meeting House was erected in 1829.
- 5) Land to the west of Dovecote (pictured right): The OS 1884 map indicates development to the west of Dovecote. Most buildings here date to the early nineteenth century; a school was erected c.1872-74 (Ryder, 1997; Fisher, 2016).
- 6) Land to the east of Dovecote: The OS 1884 map indicates development on land to the east of Dovecote. Stevens (1815) does not indicate development here. Most buildings here date to the early nineteenth century (Ryder, 1997).
- 7) Land to the east of Clapgun Street: The OS 1884 map indicates development on land to the east of Clapgun Street. Most buildings here were demolished in the twentieth century. Numbers 69 to 73 Clapgun Street were erected in the late eighteenth or early nineteenth century (Ryder, 1997).



### Early Victorian development (c.1840 to c.1884)

3.10. The OS 1884 map indicates that development between c.1840 and c.1884 comprised the following (please refer to map 1).

- 8) Gas works (pictured right): Gas works were established in 1853 (Kelly, 1899).
- 9) Silk mill: The silk mill appears in the 1871 census. In 1877 it was described as 'recently erected' (White, 1877).
- 10) Manor House: In about 1850 the Rawdon Hotel was converted into a house and "the village green that lay in front of it was enclosed as a front garden" (Lee, 1956).



- 11) Land to the east of the Biggin: Development to the east of the Biggin, including Farmer's Row. Most buildings here were demolished in the twentieth century. Farmer's Row was erected c.1850-60.
- 12) Cemetery: A cemetery with a mortuary chapel was laid out in 1881.

### Late Victorian development (c.1884 to c.1921)

3.11. The OS 1921 map indicates that development between c.1884 c.1921 comprised the following (please refer to map 2).

- 13) Land to the south of Barroon: Development on the south side of Barroon including two pairs of semi-detached houses.
- 14) Land on either side of Mount Pleasant: Development on either side of Mount Pleasant comprising semi-detached houses and short terraces.
- 15) County Council School: The school is dated 1910.

3.12. Map 2 indicates the limited number of properties that were erected within the settlement core during the period 1884 to 1921. Two of these properties are grade II listed. They are the former Baptist church hall on Bondgate and the Methodist chapel on Market Place (pictured right).



### **Below ground remains**

- 3.13. Map 3 indicates five archaeological alert areas. Within these areas, it is likely that evidence of medieval and post-medieval settlement will survive below ground.
- 3.14. The greater part of the castle has been designated as a scheduled monument. Houses have been “cut into the sides of the [outer] ditch” to the south of the castle. The scheduled monument does not include “the remains of the outer ditch ... below these houses”. Furthermore the schedule entry assumes that “the buried remains of at least one gateway” survive beneath the junction of Borough Street and Castle Hill. Map 1 indicates the assumed extent of the castle. Map 3 indicates an archaeological alert area relating to the castle.

## **4. Redevelopment (c.1921 to present)**

### **Selected modern development**

- 4.1. Development since c.1921 included the following (please refer to map 2).
- 16) Three Ways: Orchard land was developed after 1921 with a detached house.
  - 17) Hillside Orchard: Orchard land was developed c.1963-72 with a detached house ('Hillside Orchard'). Four detached houses (1 to 9 Hillside) were developed piecemeal c.1921-81.
  - 18) Georgina Court: In 1975 the District Council permitted the erection of eight 'town houses' on a greenfield site (our reference 75/0758/P).
  - 19) Silk Mill: In 2002 the District Council permitted the development of three office buildings on land to the rear of the former silk mill (our reference 02/00018/FUL).
  - 20) 61 to 73 Clapgun Street: Garden land was developed c.1921-63 with a builder's yard and a detached house.
  - 21) Tennis club and 'civic centre': Garden land was laid out as a tennis club<sup>4</sup> c.1921-48. Garden land was developed c.1962-72 with council offices, a social centre, a library and a telephone exchange<sup>5</sup>. The council offices were demolished in 1999<sup>6</sup>.
  - 22) Barn Close: Garden land was developed c.1989-90 with three detached houses<sup>7</sup>.
  - 23) 2 to 8 Delven Lane: Garden land was developed after 1980 with detached houses and an office building<sup>8</sup>.
- 4.2. Map 2 indicates the limited number of properties that have been erected within the settlement core since 1921.

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<sup>4</sup> In July 1950 permission was granted for the use of a dovecote as a tennis pavilion (CDRDC reference 39/50). According to Ryder (2000) the dovecote was given to the tennis club in 1946.

<sup>5</sup> Offices for Castle Donington Rural District Council were permitted in 1962 (CDRDC reference 158/62). A social centre 'for mentally handicapped children' was permitted in 1967 (CDRDC reference 104/67). A library was permitted in 1969 (CDRDC reference 278/69).

<sup>6</sup> In 1999 we permitted the demolition of the former offices and the erection of a 'nursing or residential home' (our references 99/01050/FUL and 99/01051/CON).

<sup>7</sup> 2 Barn Close was permitted in 1990 (our reference 90/0005/P). 4 Barn Close was permitted in 1989 (our reference 89/0487/P). 10 Barn Close was permitted in 1992 (our reference 92/0490/P).

<sup>8</sup> A new vicarage was permitted in 1980 (our reference 79/1317/P). 2 Delven Lane was permitted in 1995 (our reference 95/01145/FUL). 4 Delven Lane was permitted in 1997 (our reference 97/00095/FUL).

### Selected demolition

- 4.3. Lee refers to the “large-scale condemnations of property in the 1920s and 1930s” that made it difficult in 1956 “to see the extent of early nineteenth century building”. He refers to “the foundations of former houses ... and the piles of rubble in Bondgate and St Anne’s Lane”.
- 4.4. Map 2 indicates the extent of demolition in the settlement core since c.1921. Unless otherwise stated, the demolished properties were depicted on the OS 1884 map.
- a) 34 to 40a Spittal: Properties were demolished c.1963-72 and replaced by a detached house and two semi-detached pairs<sup>9</sup>.
  - b) 2 to 10 Station Road: Properties were demolished c.1972-81. In 2002 the District Council permitted the erection of a terrace of four houses (our reference 01/01012/FUL).
  - c) 106 to 112 Bondgate and 2 to 8 Hillside: Properties including a pinfold were demolished c.1963-72 and replaced with a pocket park. 106 Bondgate and 8 Hillside were demolished c.1972-81.
  - d) Bondgate: Properties on the west side of Bondgate were demolished c.1921-61 and replaced with two detached houses and garden land<sup>10</sup>.
  - e) 28 to 44 Bondgate (pictured right): Properties were demolished in the late twentieth century and rebuilt in facsimile (Ryder, 1997).
  - f) 48 to 64 Bondgate: 48 to 52 Bondgate were demolished piecemeal c.1921-72. In 1984 the District Council permitted the demolition of 60 to 64 Bondgate, which were “damaged when the Bondgate wall collapsed” (our reference 83/0960/P)<sup>11</sup>.
  - g) Surgery: In 1972 the Rural District Council permitted the demolition of properties and their replacement with doctors’ surgeries and a car park (CDRDC reference 214/72)<sup>12</sup>.



<sup>9</sup> In 1967 the Rural District Council permitted the erection of a pair of semi-detached houses at 40 and 40a Spittal (CDRDC reference 200/67).

<sup>10</sup> See photograph in Cantrill (1984) p24.

<sup>11</sup> See photograph in Cantrill (1984) p23.

<sup>12</sup> The surgery was extended c.2008 (our reference 08/00343/FUL).

- h) RC Church of the Risen Lord: A school was erected in 1855 (Cantrill, 1984). From 1959 it was in use as a school. It was demolished c.1983-91 and replaced by a church<sup>13</sup>. Houses were built on the adjoining sites after 1981<sup>14</sup>.
- i) 3 to 10 Hollow: In 1958 the Rural District Council permitted the demolition of cottages and the “erection of eight flats” in two detached blocks (CDRDC reference 182/57).
- j) 4 Clapgun Street: In 1989 the District Council was granted permission to demolish 4 Clapgun Street and to replace it with a surface car park (our references 88/1312/D and 89/0095/L).
- k) 13 to 31 Barroon: Properties were demolished c.1921-63 and replaced with nine detached houses.
- l) Wakefield Court: A property depicted on the OS 1921 map was demolished before 1972. A block of 23 flats was erected c.1973-75<sup>15</sup>.
- m) 34 to 62 Barroon: Properties were demolished piecemeal from c.1921 and replaced with four detached houses and four pairs of semi-detached houses.
- n) 10 to 24 Barroon: Properties were demolished c.1921-27 and replaced with four pairs of semi-detached houses<sup>16</sup>.
- o) 1 to 55 Biggin: Properties were demolished c.1963-65 and replaced with fifteen bungalows<sup>17</sup>.
- p) 21 to 25 Clapgun Street: Properties were demolished c.1955-57 and replaced with a terrace of three houses and four semi-detached pairs<sup>18</sup>.
- q) Grays Close: A property depicted on the OS 1921 map was demolished before 1963. The site was developed c.1987-90 with four detached houses<sup>19</sup>.
- r) 3 to 13 Eastway and 75 to 83 Clapgun Street: Properties were demolished c.1921-30 and replaced with a road and three semi-detached pairs<sup>20</sup>. Properties on Clapgun Street were demolished c.1969-71 and replaced with a block of four flats<sup>21</sup>.

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<sup>13</sup> In 1959 the Rural District Council permitted the use of the property as a church (CDRDC reference 87/59). In 1983 the District Council consented the demolition of the property (our reference 83/0744/L).

<sup>14</sup> 1 Castle Hill was permitted in 1982 (our reference 82/0669/P). 31 Hillside was permitted in 1987 (our reference 87/0583/P).

<sup>15</sup> Replacement properties were permitted in 1973 (CDRDC reference 164/73) and completed in 1975 (NWLDC Resident Housing).

<sup>16</sup> Replacement properties were completed in 1927 (NWLDC Resident Housing).

<sup>17</sup> Replacement properties were permitted in 1963 (CDRDC reference 186/62) and completed in 1965 (NWLDC Resident Housing).

<sup>18</sup> Permission granted in January and August 1955 respectively (CDRDC references 164/54 and 80/55). Replacement properties were completed in 1957 (NWLDC Resident Housing).

<sup>19</sup> In 1987 we granted outline permission (our reference 87/0116/P). In 1988 we permitted the erection of three dwellings and in 1990 we permitted the erection of a fourth dwelling (our references 87/0829/P and 90/1020/P respectively).

<sup>20</sup> Replacement properties were completed in 1930 (NWLDC Resident Housing).

<sup>21</sup> Replacement properties were permitted in 1969 (CDRDC reference 45/69) and completed in 1971 (NWLDC Resident Housing).





## 5. Character analysis

- 5.1. The character of an area may be defined with reference to the age of its buildings and their uses past and present; the overall density, layout and landscaping of development and the scale, massing and materials of the buildings in the area.
- 5.2. Generally the conservation area boundary reflects the extent of the village c.1840, excepting land on Barroon and the Biggin, which was redeveloped substantially after c.1921. Generally the conservation area is dominated by buildings erected before c.1884; map 2 indicates those buildings erected since 1884. Generally the conservation area is densely developed, with buildings arranged in terraced groups and laid out to the back of the pavement or behind shallow forecourts.
- 5.3. The conservation area contains a diversity of building heights. The majority of buildings are two storeys tall. Generally single storey buildings do not contribute positively to the character of the area. Map 7 indicates the heights of buildings.
- 5.4. The conservation area contains a diversity of facing materials including red brick and render. Map 8 shows the facing material used on the principal elevation of each building. Red brick is the characteristic facing material locally. Cantrill (1984) illustrates brick buildings that have since been rendered, including the Cross Keys PH. The application of paint or render may appear more jarring when applied to one building in a terrace (22 Borough Street is a prominent example).
- 5.5. The conservation area contains a diversity of roofing materials including plain tile and natural slate. Non-traditional roofing materials intrude throughout the conservation area but in a limited amount. Map 9 shows the roofing materials used on the principal roof slope of each building.
- 5.6. Across the conservation area about 60% of buildings have timber windows while about 40% have plastic windows. Timber windows dominate the Barroon and Clapgun Street character zones, where about 80% of buildings have timber windows. Plastic windows dominate the Spittal 'east' character zone, where about 70% of buildings have plastic windows. Map 10 shows the window materials used on the first floor front elevation of each building.
- 5.7. The conservation area may be considered as eleven character zones, as shown on map 5. The character zones are as follows:

### **Barroon**

- 5.8. This character zone contains a mix of houses and other town centre uses. Most buildings here are laid out to the back of the pavement. The character zone contains a diversity of facing materials including red brick and render. Most buildings here are two storeys tall and have slate roofs. About 80% of buildings in this character zone have timber windows.



- 5.9. Generally this character zone contains buildings that contribute positively to character. The character zone contains no listed buildings.
- 5.10. The Castle Inn was demolished in 1962 (Cantrill, 1984). The building was replaced by a surface car park that does not contribute positively to character. In the short term there is an opportunity to enhance character using boundary treatments and soft landscaping. In the long term there is an opportunity to enhance character substantially through redevelopment of the site.

**Bondgate 'north'**

- 5.11. This character zone contains a mix of houses and other town centre uses. Most buildings here are laid out to the back of the pavement or behind shallow forecourts. Most buildings here are two storeys tall. The character zone contains a diversity of facing materials including painted brick and render. Non-traditional roof coverings intrude into this character zone.



- 5.12. Generally this character zone contains buildings that contribute positively to character. 'Crown House' is a grade II listed building.
- 5.13. Properties including a pinfold were demolished c.1963-72 and replaced with a pocket park. The openness of the pocket park contributes positively to character and to views of the parish church spire from Station Road (see paragraph 7.1ff).
- 5.14. 101 Bondgate does not contribute positively to character. It is a modern building that does not reflect the layout of the character zone. It is a single-storey building that features a flat roof. In the short term there is an opportunity to enhance character by introducing a gabled roof with a traditional roof covering. In the long term there is an opportunity to enhance character substantially through the replacement of the building.

**Bondgate 'south'**

- 5.15. This character zone is in residential use. Most buildings here are set back from the street, often at an acute angle, reflecting the local topography. Bondgate 'south' reflects the diverse scale and materials of the remainder of the conservation area.
- 5.16. Generally this character zone contains buildings that contribute positively to character. The character zone contains four listed buildings.



- 5.17. 17 Bondgate does not contribute positively to character. It is a modern building that does not reflect the layout of the character zone. The layout introduces soft landscaping in a manner that does not reflect the character zone generally. The building is one and a half storeys tall. In the long term there is an opportunity to enhance character substantially through the replacement of the building.

**Borough Street and Market Place**

- 5.18. This character zone contains retail and other ‘A’ class uses. Most buildings here are laid out to the back of the pavement. Most buildings here are three storeys tall. The character zone contains a diversity of facing materials including red brick and painted brick. Non-traditional roof coverings intrude into this character zone. On the south-east side of Borough Street, the roofs of three-storey buildings are generally concealed from view.



- 5.19. Generally this character zone contains buildings that contribute positively to character. The character zone contains six listed buildings.
- 5.20. 35 Borough Street does not contribute positively to character. It is a modern building. It is one and a half storeys tall beneath a flat roof. In the short term there is an opportunity to enhance character by introducing a gabled roof with a traditional roof covering. In the long term there is an opportunity to enhance character substantially through the replacement of the building.

- 5.21. At 42 Borough Street a single-storey element with a flat roof does not contribute positively to character<sup>22</sup>. In the long term there is an opportunity to enhance character through the demolition of this element and the restoration of the principal building.

Shop fronts

- 5.22. Borough Street and Market Place are characterised by a mix of surviving traditional shop fronts and modern shop fronts in a traditional style. 35 and 42 Borough Street have standard modern shop fronts; see paragraphs 5.20 and 5.21 above.
- 5.23. The District Council has adopted a supplementary planning document ‘Shop fronts and advertisements’ (2019). The documents says that “where there is no fascia, consider applying lettering to the shop window or upper floors”. Panel signs have been attached to about ten buildings “where



<sup>22</sup> In 1969 permission was granted for the “conversion of dwelling to shop and flat”. CDRDC reference 250/69.

there is no fascia”; generally these signs make a negative contribution to the character of the conservation area.

### **Castle Hill and Moat**

- 5.24. This character zone is in residential use. It is sparsely developed, with buildings laid out in an irregular manner. Most buildings here are two storeys tall and have plain tile roofs. The character zone contains a diversity of facing materials including red brick and render.
- 5.25. This character zone is broadly contiguous with the scheduled ‘enclosure castle’. Works affecting the scheduled monument would require scheduled monument consent. The schedule entry says that “buildings are excluded from the scheduling [but] the ground beneath them is included”. Generally this character zone contains buildings that contribute positively to character. 7 & 9 Moat is a grade II listed building.
- 5.26. In the fourteenth century there was an “orchard below the castle” (Farnham, 1926). The OS 1884 map indicates an orchard on the escarpment to the north of the castle. A detached house (‘Hillside Orchard’) was erected c.1963-72. The openness of the land contributes positively to an understanding of the castle’s defensive position “overlooking an important crossing of the River Trent”. The detached house does not contribute positively to character.

### Hard and soft landscaping

- 5.27. Castle Hill is a narrow street; it is not surfaced in tarmac and it does not have kerbs or markings. On its east side the street is bounded by a red brick wall. These qualities contribute positively to the character of the conservation area. Land at 14 Castle Hill appears untidy and a cedar has been condemned.
- 5.28. Moat is a narrow street; it is not surfaced in tarmac and it does not have kerbs or markings. These qualities contribute positively to the character of the conservation area. On its east side the street is bounded by fences at 13 to 21 Barroon. Replacement of this boundary treatment with a thorny hedge would enhance the character of the conservation area.



- 5.29. On the east side of Hillside properties are retained by a stone wall that contributes positively to the character of the conservation area. The properties are bounded by a thorny hedge. The hedge is ‘gappy’ and outgrown and contains weed species including ivy and bramble. In places the hedge is suppressed by conifers. Removal of the conifers and proper maintenance of soft landscaping would enhance the character of the conservation area.

### **Clapgun Street and Apiary Gate**

- 5.30. This character zone is in residential use. Most buildings here are laid out to the back of the pavement. Clapgun Street and Apiary Gate reflect the diverse scale and materials of the remainder of the conservation area. About 80% of buildings in this character zone have timber windows.
- 5.31. Generally this character zone contains buildings that contribute positively to character. The character zone contains six listed buildings.

- 5.32. 21 to 25 Clapgun Street does not contribute positively to character. It is a modern building that does not reflect the layout of the character zone. In the long term there is an opportunity to enhance character substantially through the replacement of the building.
- 5.33. 75 to 81 Clapgun Street does not contribute positively to character. It is a modern building that does not reflect the layout of the character zone. In the long term there is an opportunity to enhance character substantially through the replacement of the building.
- 5.34. A non-conformist chapel (latterly the County Cinema)<sup>23</sup> was demolished c.1921-63. The building was replaced by a garage and hard landscaping that does not contribute positively to character. The garage is a single-storey building with a flat roof; in the short term there is an opportunity to enhance character by introducing a gabled roof with a traditional roof covering. In the long term there is an opportunity to enhance character substantially through redevelopment of the site.

**Dovecote**

- 5.35. This character zone was developed after 1779; most buildings here date to the early nineteenth century. This character zone is in residential use. Most buildings here are laid out to the back of the pavement or behind shallow forecourts. Dovecote reflects the diverse scale and materials of the remainder of the conservation area.



- 5.36. Generally this character zone contains buildings that contribute positively to character. ‘Cranford’ is a grade II listed building.

**Hillside**

- 5.37. This character zone contains a mix of houses and other town centre uses. Most buildings here are laid out to the back of the pavement. Most buildings here are two storeys tall. The character zone contains a diversity of facing materials including red brick, painted brick and render.



- 5.38. Generally this character zone contains buildings that contribute positively to character. The character zone contains two listed buildings, ‘The Willows’ and 61 & 63 Borough Street.

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<sup>23</sup> See photograph in Cantrill (1984) p9.

## Hotel

- 5.39. This character zone contains a mix of town centre uses. It is developed to a medium density, with buildings set back behind deep forecourts. Most buildings here are faced in render. This character zone reflects the diverse scale and materials of the remainder of the conservation area.
- 5.40. Generally this character zone contains buildings that contribute positively to character. Donington Manor Hotel is a grade II listed building.
- 5.41. At 10 Bondgate a single-storey element with a flat roof does not contribute positively to character. In the long term there is an opportunity to enhance character through the demolition of this element and the restoration of the principal building.
- 5.42. At 1 Market Street single-storey elements with flat roofs do not contribute positively to character<sup>24</sup>. In the long term there is an opportunity to enhance character through the demolition of these elements and the restoration of the principal building.
- 5.43. Buildings at the corner of Bondgate and Market Street<sup>25</sup> were demolished c.1921-63. The buildings were replaced by a surface car park that does not contribute positively to character. In the short term there is an opportunity to enhance character using boundary treatments and soft landscaping. In the long term there is an opportunity to enhance character substantially through redevelopment of the site.



### Hard and soft landscaping

- 5.44. Land at the Donington Manor Hotel contains features that contribute positively to the character of the conservation area. On Bond Gate the land is bounded by a palisade railing. On Delven Lane the land is bounded by a brick wall with a stone plinth. There is an ornate timber gate with square stone piers; similar piers survive on Market Street. On Market Street the land is bounded by a tall red brick wall. The land contains four ornate lamp posts.
- 5.45. On Bond Gate the land is bounded by a lime tree avenue that needs to be pollarded. On Delven Lane and Market Street the heads of the boundary walls are obscured by ivy. On Delven Lane the land is bounded by an outgrown laurel hedge. Proper maintenance of trees and soft landscaping would enhance the character of the conservation area.

<sup>24</sup> July 1970: Permission granted for “alterations to public house” (CDRDC reference 121/70).

<sup>25</sup> See photograph in Cantrill (1984) p34.

### **Spittal 'east'**<sup>26</sup>

5.46. This character zone is in residential use. Most buildings are laid out to the back of the pavement or behind shallow forecourts. Most buildings here are faced in render. Non-traditional roof coverings intrude into this character zone. About 70% of buildings in this character zone have plastic windows.



5.47. Generally this character zone contains buildings that contribute positively to character. 4 & 6 Spittal is a grade II listed building.

5.48. Ash and other trees in front of the parish hub appear neglected; proper maintenance of trees would enhance the character of the conservation area.

### **Spittal 'west'**

5.49. This character zone is in residential use; buildings are laid out along Spittal and around a cul-de-sac. Along Spittal most buildings are laid out to the back of the pavement but the cul-de-sac is sparsely developed. Most buildings here are two storeys tall. Most buildings here are faced in red brick and have plain tile roofs. Non-traditional roof coverings intrude into this character zone.



5.50. Within this character zone the street is narrow and it does not have kerbs or markings. On the north side of the street development is laid out to the back of the carriageway. On the south side of the street the grass verge adjoins the open space at Spittal Hill. These qualities contribute positively to the character of the conservation area.

5.51. Generally this character zone contains buildings that contribute positively to character. 52 Spittal is a grade II listed building.

5.52. 52A Spittal does not contribute positively to character. It is a modern building that does not reflect the layout of the character zone. It is a single-storey building with a non-traditional roof covering. In the short term there is an opportunity to enhance character by introducing a traditional roof covering. In the long term there is an opportunity to enhance character substantially through the replacement of the building.

5.53. The orchard on the north side of Spittal appears neglected; proper maintenance of the land would enhance the character of the conservation area.

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<sup>26</sup> The road was 'Spittle Road' in 1778 and 1856; it was 'The Spital' in 1884 and 1963. The modern spelling appears on the 1972 OS map. For consistency the modern spelling is used throughout this document.





## 6. Open spaces

- 6.1. In 2019 soft landscaping generally appears neglected. Hedges are outgrown and ‘gappy’ while the heads of walls are obscured by ivy. Land to the rear of 13-23 Borough Street appears neglected; the land addresses the east side of Bondgate. Other examples are referred to above and below. The churchyard is the principal exception to this rule.

### Churchyard

- 6.2. The chancel of the parish church was built in the early or mid-thirteenth century. The enclosure award map (1779) indicates the present extent of the churchyard. On Church Lane and Clapgun Street the churchyard is retained by stone walls; there are timber pedestrian gates at the east and south corners. On Borough Street a stone entrance screen was erected in the early nineteenth century<sup>27</sup>. The footway in front of the screen is surfaced in flagstones (see paragraph 6.15).



- 6.3. On Clapgun Street the churchyard is bounded by a lime tree avenue, while on Church Lane it is bounded by mixed deciduous trees. The churchyard contains three mid-nineteenth century cast iron lamp posts; they are grade II listed. Tombs survive including the Bakewell family tombs to the south of the porch and a group of five tombs to the north of the chancel.

- 6.4. Boundary treatments, mature trees, lamp posts and tombs contribute positively to the character of the conservation area. Headstones have been laid flat and the inscriptions are obscured. Better presentation of the headstones would enhance the character of the conservation area.

- 6.5. Buildings were demolished c.1921-49 and replaced c.1957 with a church hall<sup>28</sup>. The church hall does not contribute positively to character. It is laid out behind a car park. It is a single-storey building with a non-traditional roof shape. It uses non-traditional facing and roofing materials. In the short term there is an opportunity to enhance character by introducing a gabled roof and by introducing traditional facing and roofing materials.



<sup>27</sup> Ryder (1997) says that in 1826 “the first corpse [was] taken up the new road pointing to the NW corner of the church”.

<sup>28</sup> Permission was granted in March 1957 (CDRDC reference 187/56). In March 1949 the land was described as vacant (CDRDC reference 36/49).

In the long term there is an opportunity to enhance character substantially through the replacement of the building.

### **Council School**

- 6.6. The Council School is dated 1910. It is a landmark building laid out within a large school yard. On Dovecote the school is bounded by ornate palisade railings with modern red brick piers. On Eastway the school is bounded by a tall red brick wall with a saddleback coping.
- 6.7. The school and its boundary treatments contribute positively to the character of the conservation area. Generally the school yard is surfaced in tarmac; soft landscaping makes a limited contribution to character.

### **Spittal Hill**

- 6.8. Land on the south side of Spittal has no archaeological interest, but it contributes to the setting of the Spittal 'east' and Spittal 'west' character zones. It contributes a sense of continuity to these zones, which are separated by five houses erected c.1963-72 (Spittal 'centre'). The land is bounded by a stockade fence; at its east end it is retained by a stone wall. These features contribute positively to the character of the conservation area.
- 6.9. The land is bounded by a thorny hedge. The hedge is 'gappy' and outgrown and contains weed species including self-set ash. Proper maintenance of the hedge would enhance the character of the conservation area. The land contains an avenue of field maples; the avenue is well maintained but uncharacteristically uniform.



### **Vicarage**

- 6.10. A vicarage was erected in the early nineteenth century, incorporating the remains of an earlier building. Garden land was developed after 1980 with detached houses and an office building. On Delven Lane and Market Street the land is retained by stone walls. On Market Street there is a palisade railing above the retaining wall. Toward the Market Place there are ornate timber gates with square stone piers<sup>29</sup>.



- 6.11. Toward Delven Lane the land contains deciduous trees including false acacia and hornbeam. Toward Market Street the land contains deciduous trees including sycamore and horse chestnut. The greater part of the character zone is subject to a tree preservation order.

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<sup>29</sup> The gates and piers were repositioned c.1998 (our references 97/0999/P and 97/1008/L).



- 6.12. Boundary treatments and mature trees contribute positively to the character of the conservation area. On Delven Lane and Market Street the heads of the retaining walls are obscured by weed species including ivy. On Market Street the land is bounded by an outgrown laurel hedge. Proper maintenance of soft landscaping would enhance the character of the conservation area.

### **Hard landscaping**

- 6.13. Generally kerbs in the conservation area are made of granite or sandstone. Generally each street has a granite kerb on one side and a sandstone kerb on the other. Sandstone kerbs survive on each side of Market Street. Concrete kerbs intrude on Delven Lane and at the junction of Dovecote and Eastway. Outside the Cross Keys PH a concrete kerb and a pedestrian safety railing intrude.
- 6.14. Generally sandstone kerbs appear authentic. Some authentic granite kerbs survive – notably on the west side of Bondgate – but most granite kerbs appear to be made from recycled carriageway setts.
- 6.15. Generally carriageways and footways are surfaced with black tarmac but note the flagstone paving on Borough Street at the entrance to the churchyard<sup>30</sup>. Generally street furniture is utilitarian in character but on Borough Street and Market Street note twelve tall lamp columns in a traditional style.
- 6.16. In the Market Place there is a cluster of street furniture including a double lamp column (pictured right). Simplification of this cluster would enhance the character of the conservation area.
- 6.17. The Castle Hill and Spittal ‘west’ character zones contain narrow streets without kerbs or markings. These streets contribute positively to the character of the conservation area.



## **7. Views and landmarks**

- 7.1. The principal landmarks are the spire of the parish church and (to a lesser extent) the spire of the Methodist chapel. Station Road offers views of the two spires; for example consider the view from outside the Lamb PH.
- 7.2. A surgery was erected off Borough Street c.1972. The building contributes negatively to views of the parish church spire from Station Road. In the long term there is an opportunity to enhance character substantially through the replacement of the surgery building.
- 7.3. A mature tree at 13 Barroon contributes positively to views out of the conservation area.

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<sup>30</sup> Cllr Tony Saffell recalls that Leicestershire County Council replaced sandstone kerbs on the west side of Borough Street with Scottish (grey) granite kerbs. He recalls that the County Council replaced the flagstones c.2000 but advises that “this area has been paved with stone for as long as anyone can prove”.

- 7.4. The 2001 character appraisal noted that Commerce House closes the view west along Apiary Gate while 41 Borough Street closes the view west along Church Lane. These terminating features contribute positively to character. On the other hand 75 to 81 Clapgun Street closes the view east along Apiary Gate while 3 to 10 Hollow closes the view north along Clapgun Street. These terminating features contribute negatively to character.

## 8. Opportunity areas

### Bondgate 'centre'

- 8.1. Properties on the west side of Bondgate were demolished c.1929-61 and replaced with two detached houses and garden land. On the east side of Bondgate numbers 48 to 52 were demolished piecemeal c.1921-72. In 1984 the District Council permitted the demolition of numbers 60 to 64.
- 8.2. These gap sites do not contribute positively to character. On either side of Bondgate the continuous frontage has been interrupted substantially. The gap sites introduce soft landscaping in a manner that does not reflect the character of adjoining character zones.
- 8.3. In the long term there is an opportunity to enhance character through the redevelopment of these sites. New buildings should reflect the historic density and layout of development on Bondgate. They should reflect the diversity of heights and materials in the conservation area generally. Redevelopment would offer an opportunity for the investigation of below-ground remains<sup>31</sup>.
- 8.4. 28 to 44 Bondgate were demolished in the late twentieth century and rebuilt in facsimile (Ryder, 1997). They make a neutral contribution to character.



- 8.5. 46 Bondgate (Downy House) and 56 Bondgate were erected before 1884. These buildings contribute positively to character.

### Hard and soft landscaping

- 8.6. Land on the west side of Bondgate is bounded by a stone wall. The wall contributes positively to the character of the conservation area. The head of the wall is obscured by weed species including ivy. The land is bounded by an outgrown laurel hedge. Proper maintenance of soft landscaping would enhance the character of the conservation area.

### Hollow

- 8.7. A former school was demolished c.1983-91 and replaced by a church. Houses were built on the adjoining sites after 1981. Generally these buildings are similar in character to the 'Castle Hill' character zone; they make a neutral contribution to character.

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<sup>31</sup> In 2016 the District Council permitted the erection of a dwelling at 68 Bondgate subject to a condition relating to archaeological investigation (our reference 16/00784/FUL).

- 8.8. All of these buildings are faced in red brick but the 'Castle Hill' character zone contains a diversity of facing materials including red brick and render. In the short term there is an opportunity to enhance character by introducing a diversity of facing materials.
- 8.9. 4 Clapgun Street was demolished c.1989 and replaced with a surface car park. The car park is bounded by substantial soft landscaping and makes a neutral contribution to character.
- 8.10. 2 Hollow was erected before 1884. The building contributes positively to character.

3 to 10 Hollow

- 8.11. In 1958 the Rural District Council permitted the demolition of cottages and the "erection of eight flats" in two detached blocks. The buildings do not contribute positively to character. The buildings are set back from the street behind front gardens; they do not reflect the layout of development in the 'Barroon' character zone. The buildings have non-traditional roof coverings.



- 8.12. In the long term there is an opportunity to enhance character substantially through the replacement of the buildings. The replacement buildings should be arranged in terraced groups and laid out to the back of the pavement. They should have gabled roofs with traditional roof coverings.
- 8.13. The land is wholly within the extent of the castle and partly within the extent of the scheduled monument. Development should conserve the buried remains of the castle. Works affecting the scheduled monument would require scheduled monument consent.

**Spittal 'centre'**

- 8.14. Properties were demolished c.1963-72 and replaced by a detached house and two semi-detached pairs. The houses do not contribute positively to character. The buildings do not reflect the layout of development in the adjoining character zones. They have non-traditional roof coverings.



- 8.15. In the short term there is an opportunity to enhance character by introducing traditional roof coverings. In the long term there is an opportunity to enhance character substantially through the replacement of the buildings. The replacement buildings should be laid out to the back of the pavement or behind shallow forecourts. They should have traditional roof coverings.
- 8.16. Domestic hedgerows do not contribute positively to character. There is an opportunity to enhance character by replacing these hedgerows with traditional thorny hedgerows.

## Surgery

8.17. In 1972 the Rural District Council permitted the demolition of properties and their replacement with doctors' surgeries and a car park. The surgery is set back from the street behind an access drive. It is large and has a uniform appearance; it incorporates a single storey element with a flat roof.

8.18. The building does not contribute positively to character. The building does not reflect the layout of development on Borough Street; the access drive interrupts the continuous frontage. The building does not reflect the conservation area's domestic scale and diverse appearance. The building contributes negatively to views of the parish church spire from Station Road. Mixed tree planting to the rear of the building contributes positively to character.



8.19. In the long term there is an opportunity to enhance character substantially through the replacement of the building. The replacement building should reflect the layout of development on Borough Street and it should restore the continuous frontage. It should reflect the conservation area's domestic scale and diverse appearance. It should have gabled roofs with traditional roof coverings. It should contribute positively to the view of the church spire from Station Road.

## 9. Other opportunities

### Development opportunities

9.1. We have identified seven opportunities to enhance the character of the conservation area through the redevelopment of modern buildings; please refer to map 11. The opportunities are as follows:

a) **Church Hall:** The building is laid out behind a car park. It is a single-storey building with a non-traditional roof shape; it uses non-traditional facing and roofing materials. A replacement building should be laid out to the back of the pavement. It should reflect the conservation area's diverse scale; a two-storey building is likely to be acceptable.

A replacement building should reflect the conservation area's diverse palette of facing materials; red brick or render is likely to be acceptable. It should have a pitched roof covered with plain tiles or natural slate. In the short term there is an opportunity to enhance character through an alteration to the property's roof.

b) **101 Bondgate:** The building does not reflect the layout of the Bondgate 'north' character zone; it is a single-storey building that features a flat roof. A replacement building should reflect the qualities of the Bondgate 'north' character zone. In the short term there is an opportunity to enhance character through an alteration to the property's roof.



c) **17 Bondgate:** The building does not reflect the layout or landscaping of the Bondgate 'south' character zone; it is one and a half storeys tall. A replacement building should reflect the qualities of the Bondgate 'south' character zone.

d) **35 Borough Street:** The building is one and a half storeys tall beneath a flat roof; it has a standard modern shop front. A replacement building should reflect the qualities of the Borough Street character zone. In the short term there is an opportunity to enhance character through an alteration to the property's roof.



e) **21 to 25 Clapgun Street:** The building (pictured above) does not reflect the layout of the Clapgun Street character zone. A replacement building should be laid out to the back of the pavement.

f) **75 to 81 Clapgun Street:** The building does not reflect the layout of the Clapgun Street character zone. A replacement building should be laid out to the back of the pavement.

g) **52A Spittal:** The building does not reflect the layout of the Spittal 'west' character zone; it is a single-storey building with a non-traditional roof covering. A replacement building should reflect the qualities of the Spittal 'west' character zone. In the short term there is an opportunity to enhance character through an alteration to the property's roof.

9.2. The conservation area contains three gap sites; please refer to map 11. In the long term there are opportunities to enhance character substantially through the development of these sites. In the short term there are opportunities to enhance character through the use of hard and soft landscaping. Each gap site offers an opportunity for the investigation of below-ground remains. The sites are as follows:

h) **Castle Inn:** The inn was demolished in 1962 and replaced by a surface car park (pictured right). A replacement building should reflect the qualities of the Barroon character zone.



i) **County Cinema:** The cinema was demolished c.1921-63 and replaced by a garage and hard landscaping. A replacement building should reflect the qualities of the Clapgun Street character zone.

- j) **Bondgate surface car park:** Buildings were demolished c.1921-63 and replaced by a surface car park. A replacement building should reflect the qualities of the Hotel character zone.

9.3. At 10 Bondgate, 42 Borough Street and 1 Market Street, there are single-storey elements with flat roofs. These elements do not contribute positively to character. There is an opportunity to enhance character through the demolition of these elements and the restoration of the principal buildings.

#### **Landscaping opportunities**

9.4. In 2019 soft landscaping generally appears neglected. Hedges are outgrown and 'gappy' while the heads of walls are obscured by ivy. At the following locations proper maintenance of soft landscaping would enhance the character of the conservation area:

- The east side of Hillside (paragraph 5.27);
- Donington Manor Hotel (paragraph 5.43);
- Spittal Hill (paragraph 6.9);
- The former vicarage (paragraph 6.12);
- The west side of Bondgate (paragraph 8.5).

9.5. On the east side of Hillside the hedge is suppressed in places by conifers. Removal of the conifers would enhance the character of the conservation area.

9.6. At two locations boundary treatments make a negative contribution to character. Replacement of these boundary treatments with thorny hedges would enhance the character of the conservation area:

- Fences at 13 to 21 Barroon (paragraph 5.26);
- Domestic hedgerows at Spittal 'centre' (paragraph 8.13).

9.7. At three locations land appears neglected or untidy; proper maintenance would enhance the character of the conservation area:

- Land at 14 Castle Hill (paragraph 5.25);
- Land on the north side of the Spittal (paragraph 5.51);
- Land to the rear of 13 to 23 Borough Street (paragraph 6.1) (pictured right).

9.8. At two locations trees appear neglected; proper maintenance would enhance the character of the conservation area:

- The lime tree avenue at Donington Manor Hotel (paragraph 5.43);
- Ash and other trees in front of the parish hub (paragraph 5.46).



9.9. At Spittal Hill the avenue of field maples is well maintained but uncharacteristically uniform. There is an opportunity to enhance the character of the conservation area by introducing a more appropriate mix of deciduous species.

9.10. Headstones in the churchyard have been laid flat and the inscriptions are obscured. Better presentation of the headstones would enhance the character of the conservation area.

#### Hard landscaping

9.11. Generally kerbs in the conservation area are made of granite or sandstone, but concrete kerbs intrude on Delven Lane and at the junction of Dovecote and Eastway. At these locations the installation of appropriate street surfaces would enhance the character of the conservation area. Outside the Cross Keys PH a concrete kerb and a pedestrian safety railing intrude. As part of a traffic management scheme to “make existing routes more attractive for cycling and walking”, the kerb and railing should be removed (see paragraph 10.3).

9.12. In the Market Place there is a cluster of street furniture including a double lamp column. Simplification of this cluster would enhance the character of the conservation area.

#### **Materials and details**

9.13. The conservation area contains a diversity of facing materials including red brick and render. Red brick is the characteristic facing material locally. The application of paint or render may appear more jarring when applied to one building in a terrace or to one half of a symmetrical pair. The opportunity to remove paint or render should be investigated. Examples include:

- 88 Bondgate;
- 22 Borough Street;
- 18 Clapgun Street;
- 18 Hillside;
- 22 Spittal.

9.14. Non-traditional roofing materials intrude throughout the conservation area but in a limited amount. In four character zones non-traditional roofing materials intrude in a greater amount: Bondgate ‘north’, Borough Street, Spittal ‘east’ and Spittal ‘west’. In these character zones there is a substantial opportunity to enhance character through the reinstatement of traditional plain tile and slate roof coverings.



9.15. Across the conservation area about 60% of buildings have timber windows while about 40% have plastic windows. Plastic windows dominate the Spittal ‘east’ character zone, where about 70% of buildings have plastic windows. Conversely timber windows dominate the Barroon and Clapgun Street character zones, where about 80% of buildings have timber windows.

- 9.16. There is an opportunity to enhance character through the reinstatement of traditional windows. To maintain the contribution that timber windows make to character, the District Council has made directions<sup>32</sup> withdrawing relevant permitted development rights from householders in the Barroon and Clapgun Street character zones and in part of the Dovecote character zone.

## **10. Problems and pressures**

- 10.1. Bondgate has been designated an air quality management area (AQMA) due to the volume of southbound traffic queuing for the junction with Delven Lane, High Street and Park Lane. Poor air quality makes a negative contribution to the character of this part of the conservation area. The District Council expects that forthcoming developments will enhance air quality on Bondgate (see below).
- 10.2. The character appraisal identifies opportunities for development on Bondgate, including substantial opportunities for development in the Bondgate 'centre' character zone. The AQMA does not prohibit development, but applications for development affecting the AQMA must be supported by an air quality impact assessment.
- 10.3. In 2015 the District Council permitted the erection of up to 895 dwellings on land to the south of Park Lane (09/01226/OUTM). Occupation of the development is restricted until the western relief road "has been formed in full and is available for use by vehicular traffic". Occupation is also restricted until a contribution has been paid "for the provision of a traffic management scheme on Delven Lane, High Street and Station Road". The scheme would "encourage through traffic to use the relief road and ... make existing routes more attractive for cycling and walking". The relief road opened in February 2020.

### **The primary shopping area**

- 10.4. The amended NW Leicestershire Local Plan (2021) designates a primary shopping area focussed upon Borough Street and Market Street. The primary shopping area includes the Borough Street character zone and part of the Hillside character zone.
- 10.5. In 2012 and 2019 the District Council commissioned retail study updates (Roger Tym & Partners, 2012; Lichfields, 2019). In 2012 the primary shopping area showed "generally positive signs"; in 2019 it is "a healthy local centre". The retail study updates reflect the perceptions of local traders. In 2012 there was one vacant property; in 2019 there are three vacant properties, all "located toward the SW of the local centre".
- 10.6. In May 2019 the District Council assessed the condition of 74 traditional buildings in the Borough Street and Hillside character zones. 63 buildings (85%) were found to be in good condition while 11 buildings (15%) were found to be in fair or poor condition. The condition assessment reflects the perceptions of local traders.
- 10.7. In 2012 and 2019 the primary shopping area had a "substantial service offer". 50% of units are occupied by non-retail services, compared to a national average of 38%. 23% of units are occupied by hair and beauty uses, compared to a national average of 9%.

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<sup>32</sup> Under article 4 of the Town & Country Planning (General Permitted Development) Order 2015.

- 10.8. Borough Street has a wide footway on its north-west side. Retail elements on the footway – including ‘A’ board advertisements – make a neutral contribution to the character of the conservation area. They contribute to the appearance of an active retail centre without appearing unduly cluttered. In 2012 the primary shopping area was considered to have “well maintained pavements [and] a welcoming atmosphere”.
- 10.9. On-street parking makes a neutral to negative contribution to the character of the conservation area; the retail study updates do not identify parking as a factor affecting the primary shopping area’s “environmental quality”.
- 10.10. A pressure to maintain or increase the amount of parking may conflict with the desire to redevelop gap sites in the conservation area (see paragraph 9.2). It may conflict with the desire to redevelop modern buildings where redevelopment would remove forecourt parking or reinstate a “continuous frontage”. Adjacent to the primary shopping area note the opportunity to redevelop the surgery (see paragraph 8.17 to 8.19) and the church hall (see paragraphs 6.5 and 9.1).

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# **CASTLE DONINGTON CONSERVATION AREA BOUNDARY REVIEW**

**REVISED  
FEBRUARY 2023**





## Contents

- i Introduction
- 1 Hillside; Georgina Court; Station Road; Millhouse Business Centre
- 2 Hastings Street and Mount Pleasant
- 3 Barn Close and Delven Lane
- 4 2A Biggin
- 5 5 Grays Close
- 6 Land at Eastway
- 7 Land at 75 Bondgate

## Introduction

- i. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 defines a conservation area as an area of “special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”. The Castle Donington conservation area was designated in November 1972 and revisions to the designated boundary took effect in December 2000.
- ii. The draft character appraisal says that “generally the conservation area boundary reflects the extent of the village c.1840 (excepting land on Barroon and the Biggin, which was redeveloped substantially after c.1921)”. The draft character appraisal says that “generally the conservation area is dominated by buildings erected before c.1884”. Considering these general principles, further boundary revisions are proposed, as indicated on map 1. The proposed conservation area boundary is shown on map 2.

## Hillside; Georgina Court; Station Road; Millhouse Business Centre

1. The District Council considers that land on Hillside and Station Road (area 1) does not contribute to an area of special architectural or historic interest. It is proposed to **remove** the following properties from the conservation area:
  - **1, 3 and 9 Hillside:** 1 to 3 Hillside were developed between 1921 and 1963; 9 Hillside was developed between 1972 and 1981. These properties were erected in the twentieth century and do not contribute to the significance of the conservation area.

The properties are laid out at a low density and they are set back from the street. In terms of their density and layout, they do not reflect the conservation area’s character.

1 and 3 Hillside are bungalows and they have non-traditional roof coverings. In terms of their height and materials, they do not reflect the conservation area’s character.



- **Georgina Court and adjoining properties:** Georgina Court was developed c.1975. 5 and 7 Station Road were developed between 1921 and 1963. These properties were erected in the twentieth century and do not contribute to the significance of the conservation area. Georgina Court is a large building with a uniform appearance; it does not reflect the conservation area’s domestic scale and diverse appearance.
- **24 to 30 Station Road:** These properties were erected in 2002. In the context of the development on Hillside, these properties do not contribute to the significance of the conservation area.

- **12 and 14 Station Road:** These properties were erected in the early or mid nineteenth century. The front elevation has been altered substantially<sup>1</sup>. In the context of the development described above, these properties do not contribute to the significance of the conservation area.



- **16 to 22 Station Road:** These properties were erected in the early to mid nineteenth century. 22 Station Road is the Lamb Inn. The properties are separated from the historic settlement core by the development described above.
- **Millhouse Business Centre:** In 1877 the property was described as ‘recently erected’ (White, 1877). The property is separated from the historic settlement core by the development described above. The property is a grade II listed building and its inclusion in the conservation area would offer no additional protection.

#### **Hastings Street and Mount Pleasant**

2. It is proposed to **remove** properties on Hastings Street and Mount Pleasant from the conservation area. Properties on the north side of Mount Pleasant were erected between 1884 and 1903. Other properties were erected between 1903 and 1921. These are standard ‘post-byelaw’ houses that do not contribute to the significance of the conservation area.



<sup>1</sup> In 2007 we permitted development including alterations to the front elevation (our reference 07/01423/FUL).

### Barn Close and Delven Lane

3. The District Council considers that land on Delven Lane (area 4) does not contribute to an area of special architectural or historic interest. It is proposed to **remove** the following properties from the conservation area:

- **'Civic Centre':** These properties comprise a library (1969), a care home (1999) and a veterinary surgery (2008). The veterinary surgery is bisected by the conservation area boundary. These properties were erected after 1948 and do not contribute to the significance of the conservation area.

The library is set back from the street; it is a single storey building faced in buff brick beneath a flat roof. In terms of its layout, height, massing and materials, it does not reflect the conservation area's character. The care home is a large building with a uniform appearance; it does not reflect the conservation area's domestic scale and diverse appearance.



- **Bowls Club:** A tennis club was laid out in the twentieth century; it is now a bowls club. It does not contribute to the significance of the conservation area. The bowls club includes a former dovecote erected in the eighteenth century. The dovecote is separated from the historic settlement core by the development described above. The dovecote is a grade II listed building and its inclusion in the conservation area would offer no additional protection.
- **2 and 2A Barn Close:** These properties were erected c.1989-90. In the context of the development described above, these properties do not contribute to the significance of the conservation area. The properties are bungalows; generally single storey buildings do not contribute positively to the conservation area's character.

### 2A Biggin

4. It is proposed to **remove** 2A Biggin from the conservation area. The bungalow was erected c.2005 (our reference 05/01098/FUL).

Officers advised that the bungalow would be "in keeping with the character of the adjacent post-war bungalows against which the proposal would most immediately be read". The property does not contribute to the significance of the conservation area.



### **5 Grays Close**

5. It is proposed to **remove** 5 Grays Close from the conservation area. The dormer bungalow was erected c.1990. In the context of the adjacent development at Grays Close, the property does not contribute to the significance of the conservation area.

### **Land at Eastway**

6. It is proposed to **remove** land at Eastway from the conservation area, to reflect boundaries that appear on the ground.

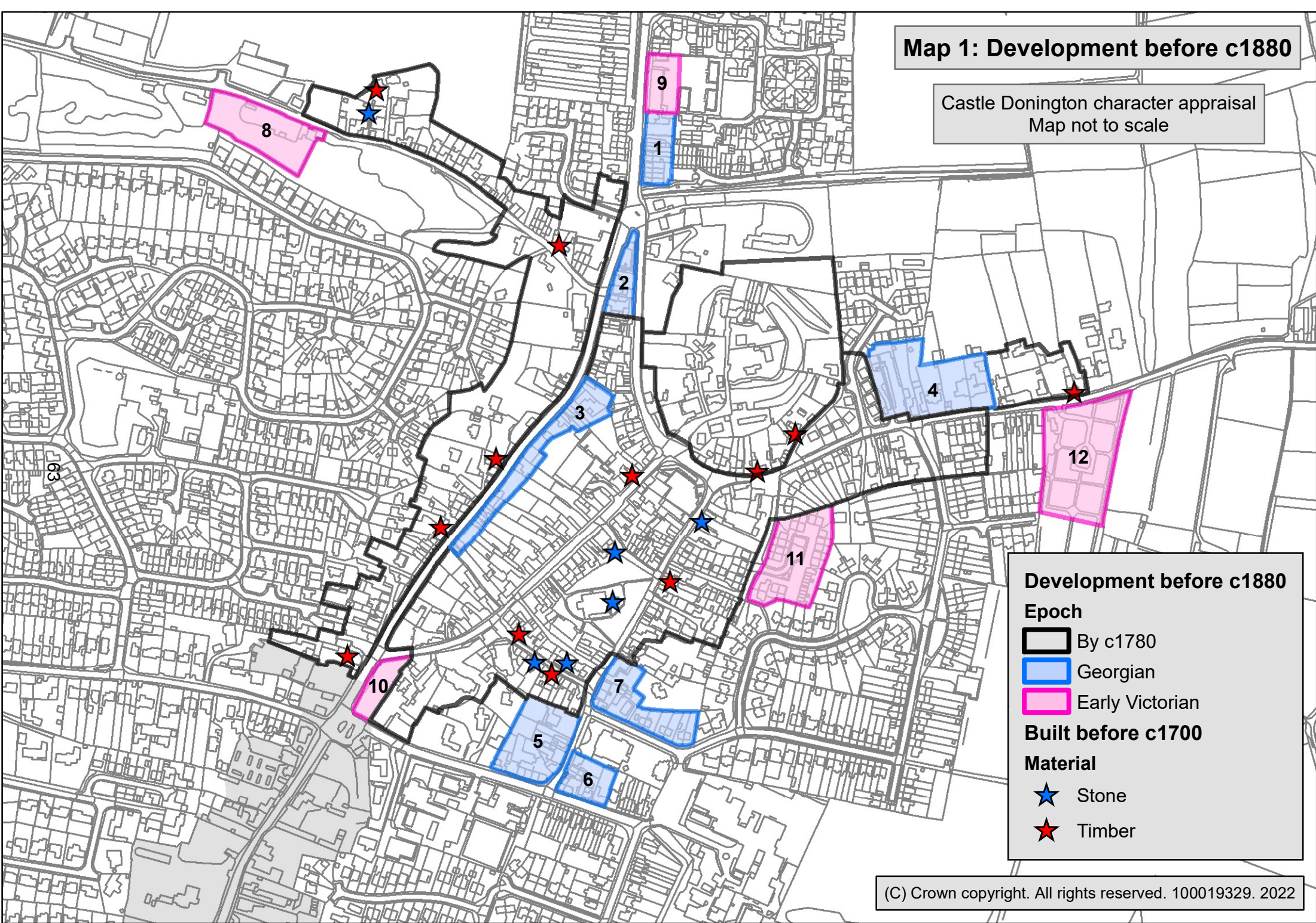
### **Land at 75 Bondgate**

7. It is proposed to **add** land at 75 Bondgate to the conservation area, to reflect alterations that were made to property boundaries following the development of Monteith Place.

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# Map 1: Development before c1880

Castle Donington character appraisal  
Map not to scale



**Development before c1880**

**Epoch**

- By c1780
- Georgian
- Early Victorian

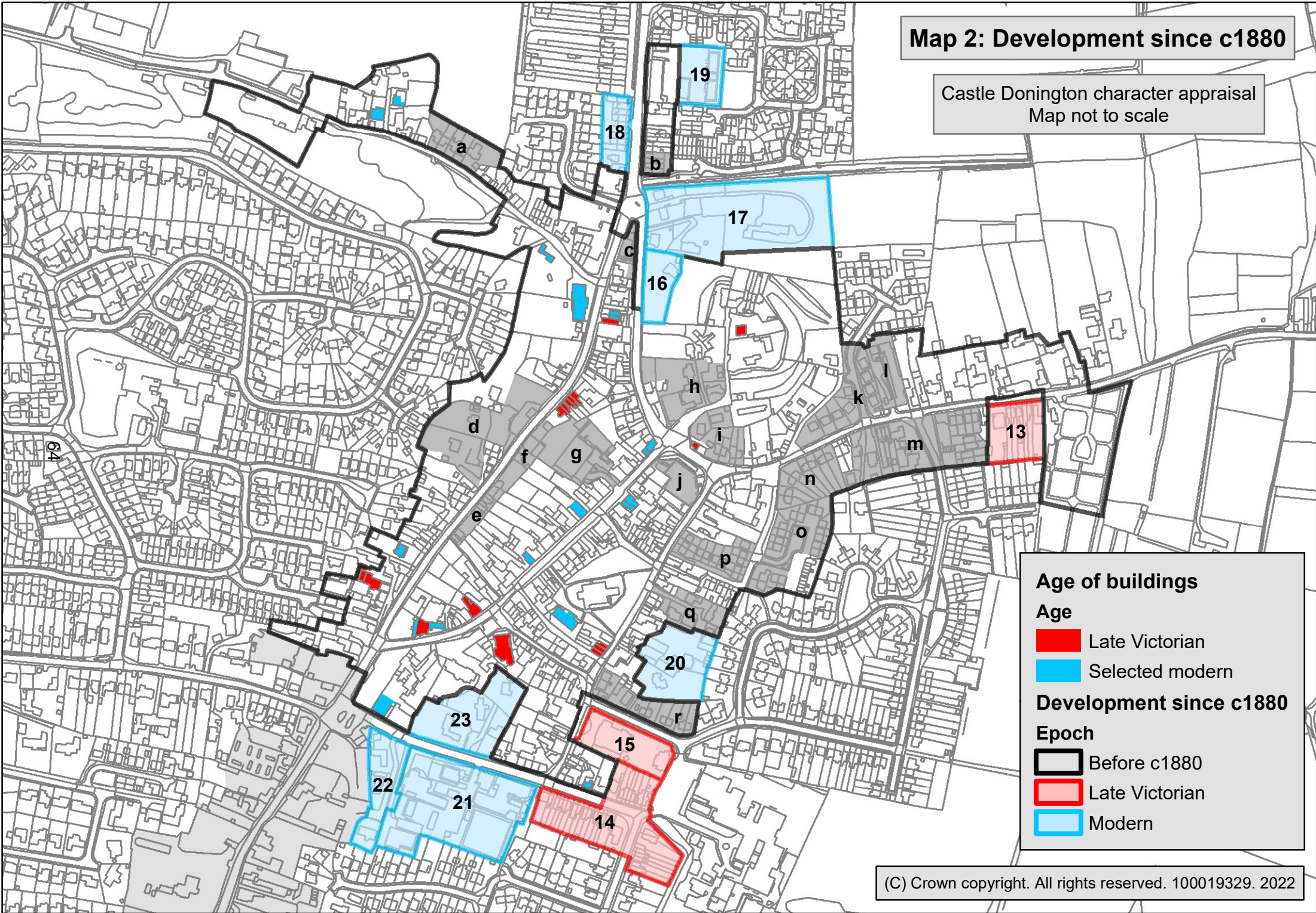
**Built before c1700**

**Material**

- Stone
- Timber

# Map 2: Development since c1880

Castle Donington character appraisal  
Map not to scale



**Age of buildings**

**Age**

- Late Victorian
- Selected modern

**Development since c1880**

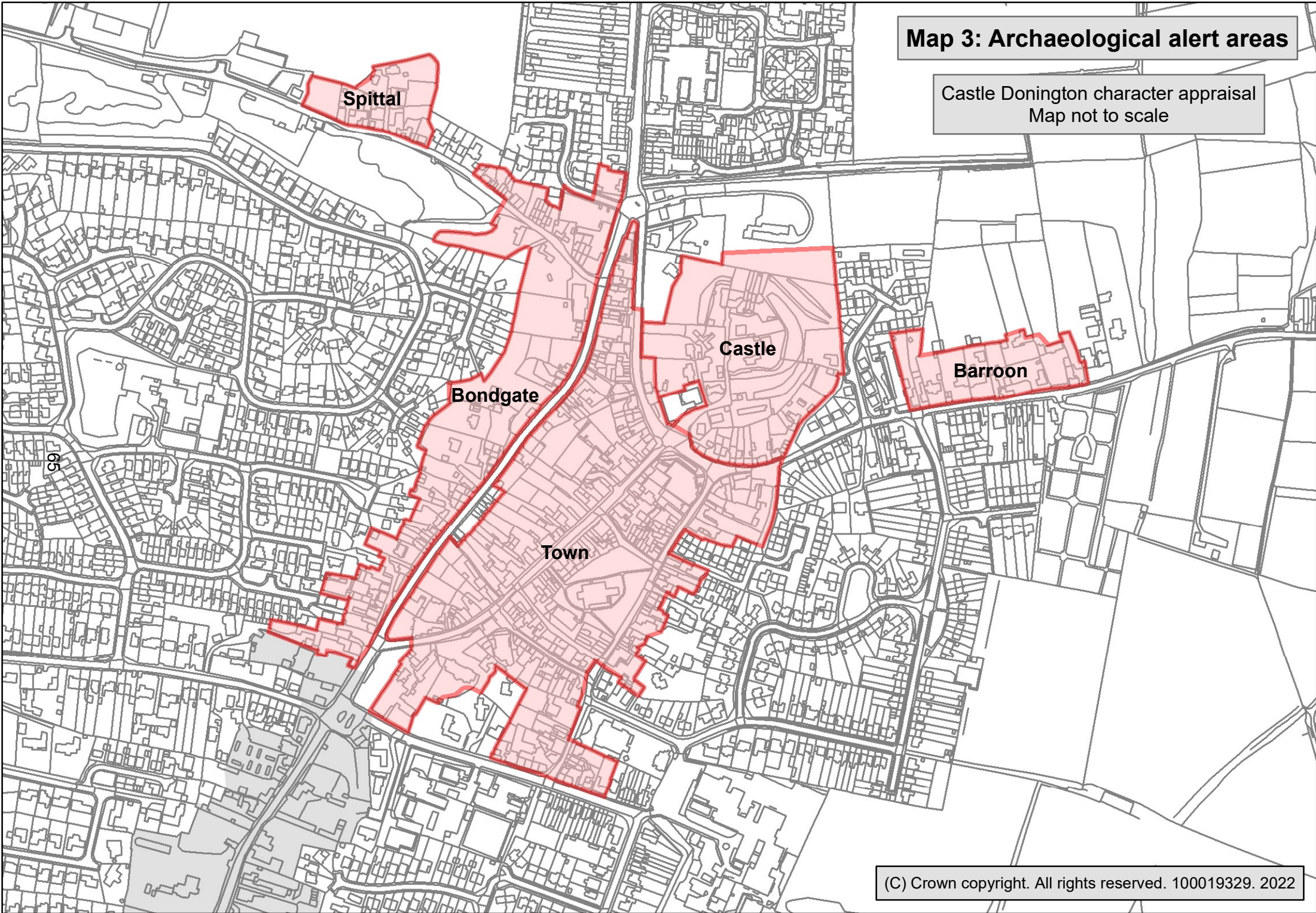
**Epoch**

- Before c1880
- Late Victorian
- Modern



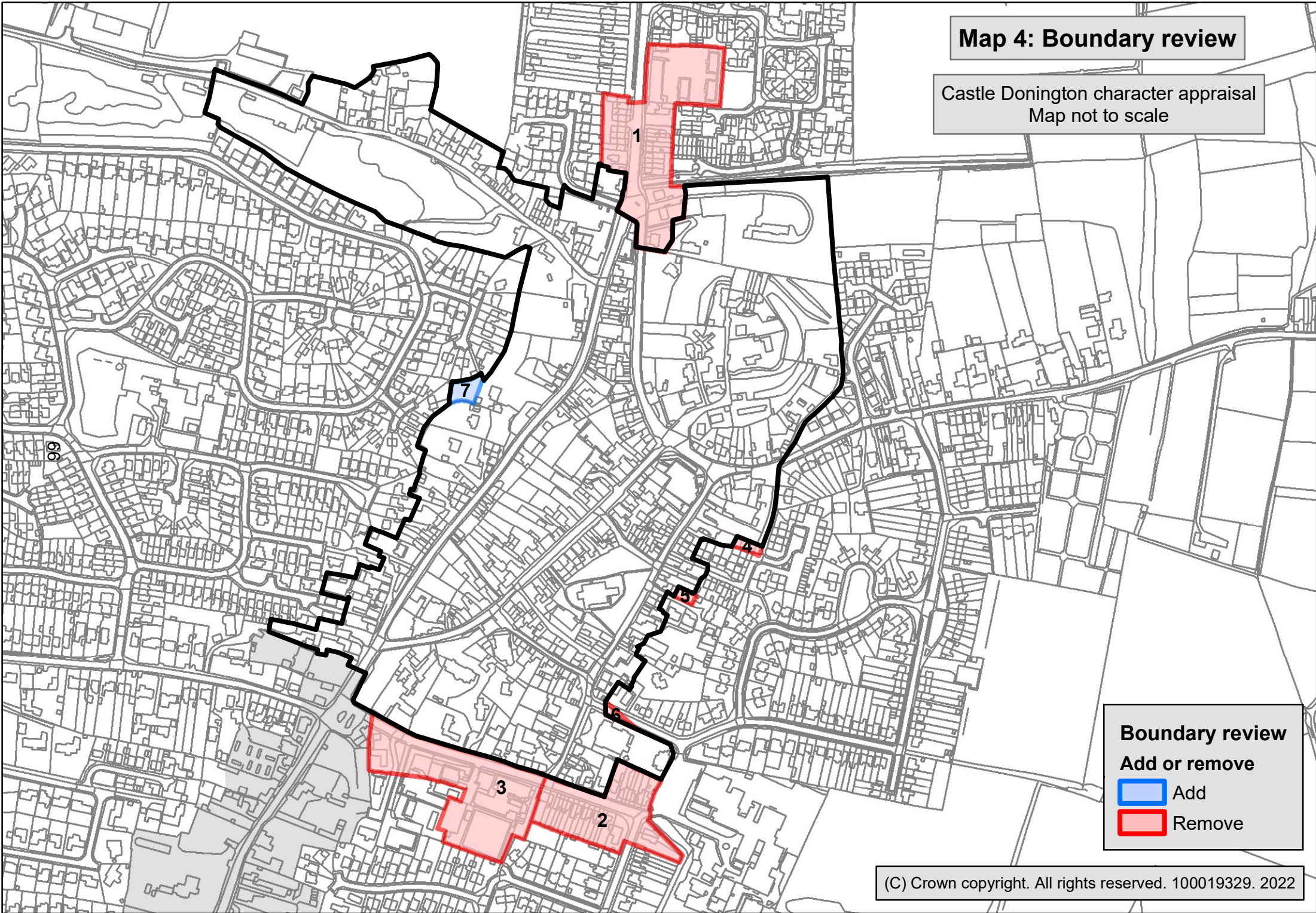
### Map 3: Archaeological alert areas

Castle Donington character appraisal  
Map not to scale





# Map 4: Boundary review

Castle Donington character appraisal  
Map not to scale

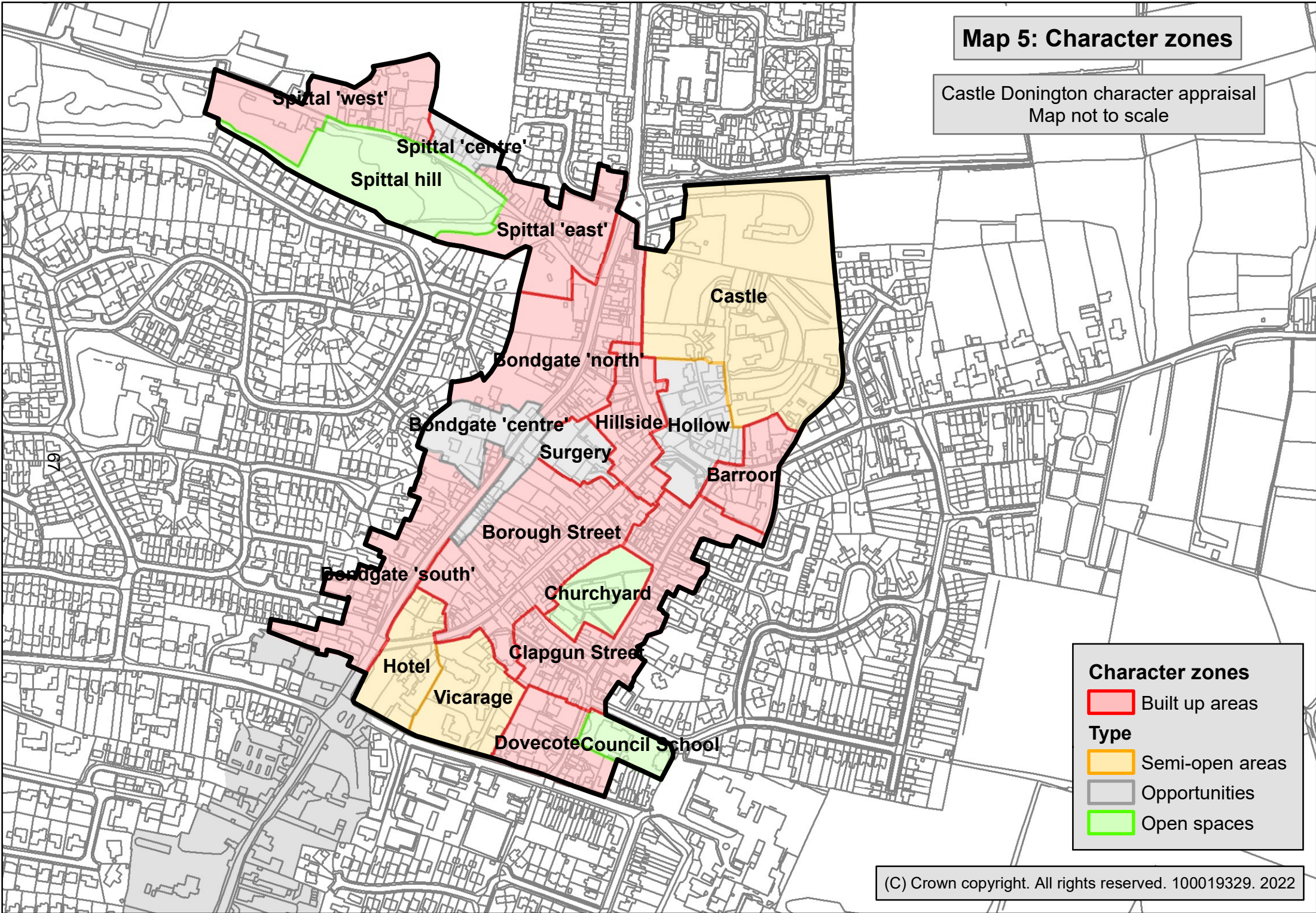


**Boundary review**  
**Add or remove**


-  Add
-  Remove

# Map 5: Character zones


Castle Donington character appraisal  
Map not to scale





## Character zones

 Built up areas

### Type

 Semi-open areas

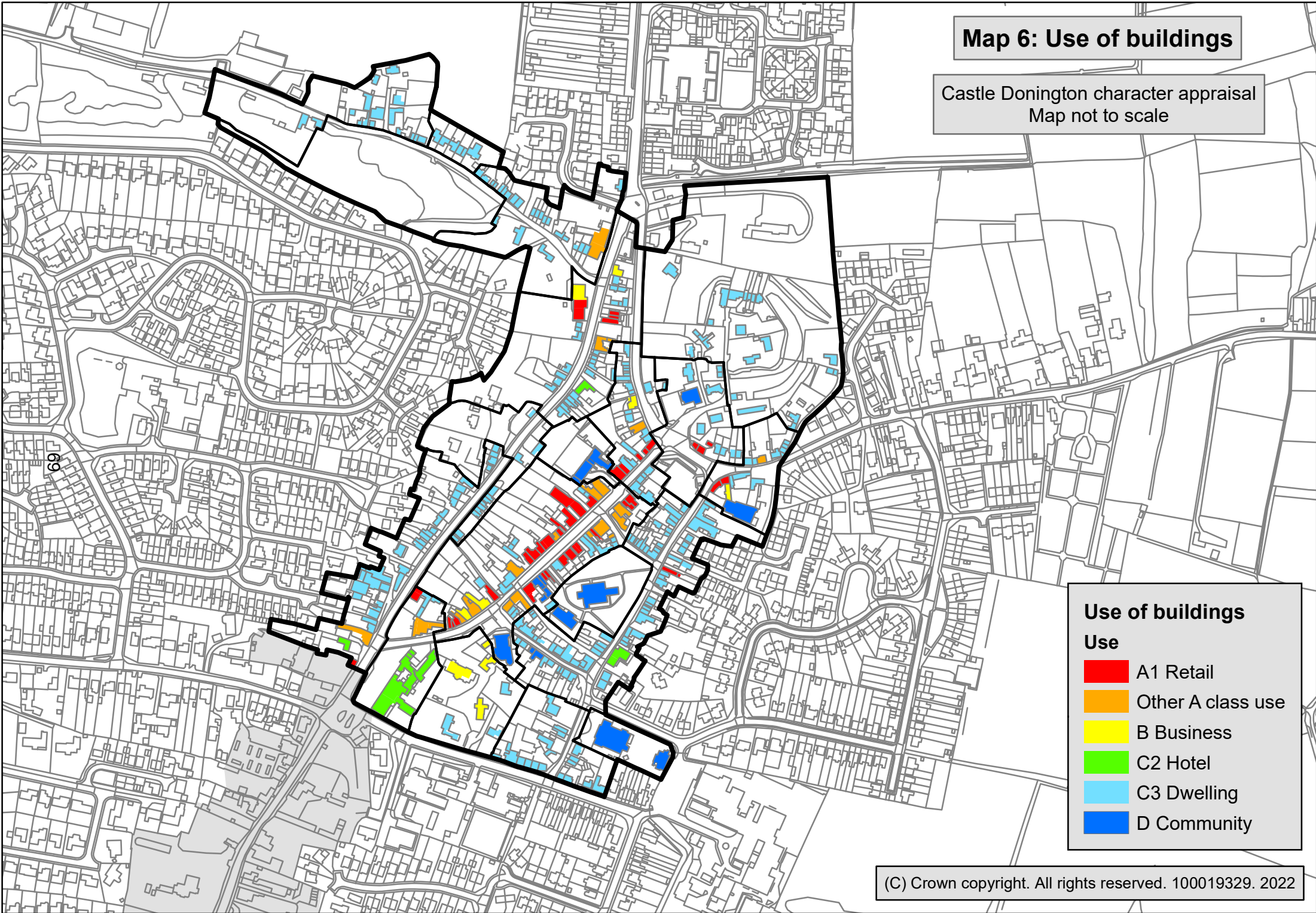
 Opportunities

 Open spaces

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# Map 6: Use of buildings

Castle Donington character appraisal  
Map not to scale



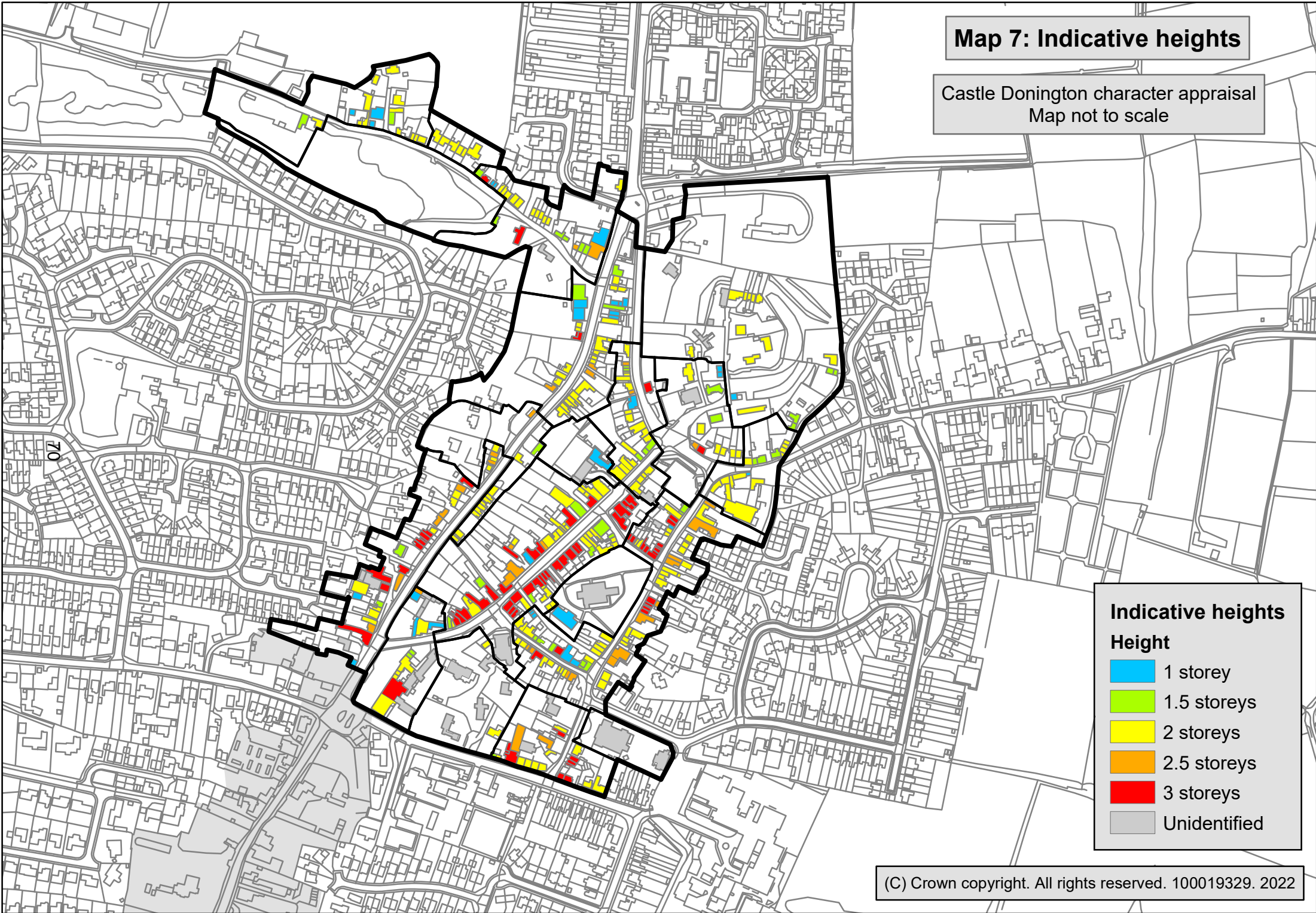
## Use of buildings

### Use

- A1 Retail
- Other A class use
- B Business
- C2 Hotel
- C3 Dwelling
- D Community

# Map 7: Indicative heights

Castle Donington character appraisal  
Map not to scale



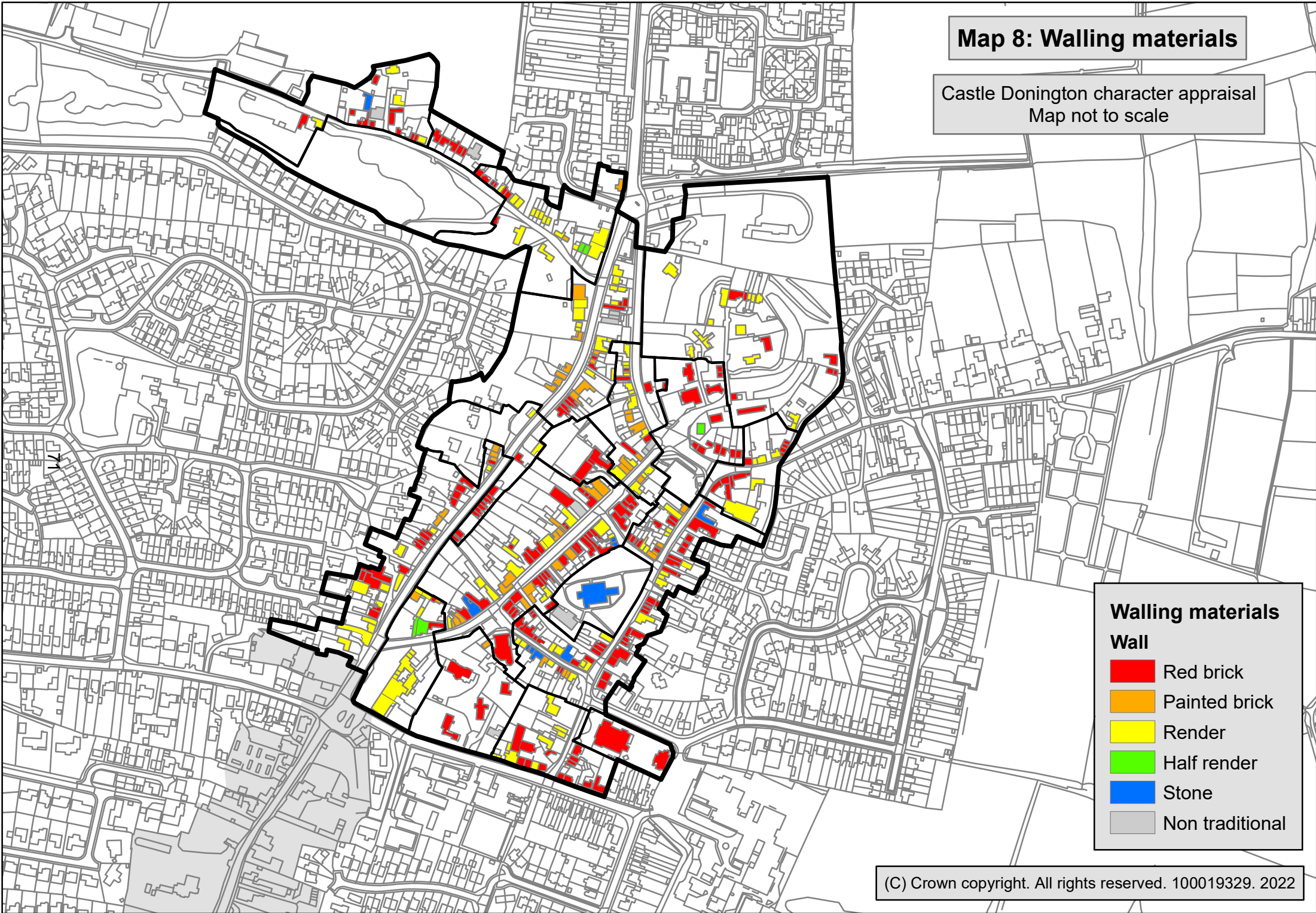
**Indicative heights**

**Height**

- 1 storey
- 1.5 storeys
- 2 storeys
- 2.5 storeys
- 3 storeys
- Unidentified

# Map 8: Walling materials

Castle Donington character appraisal  
Map not to scale



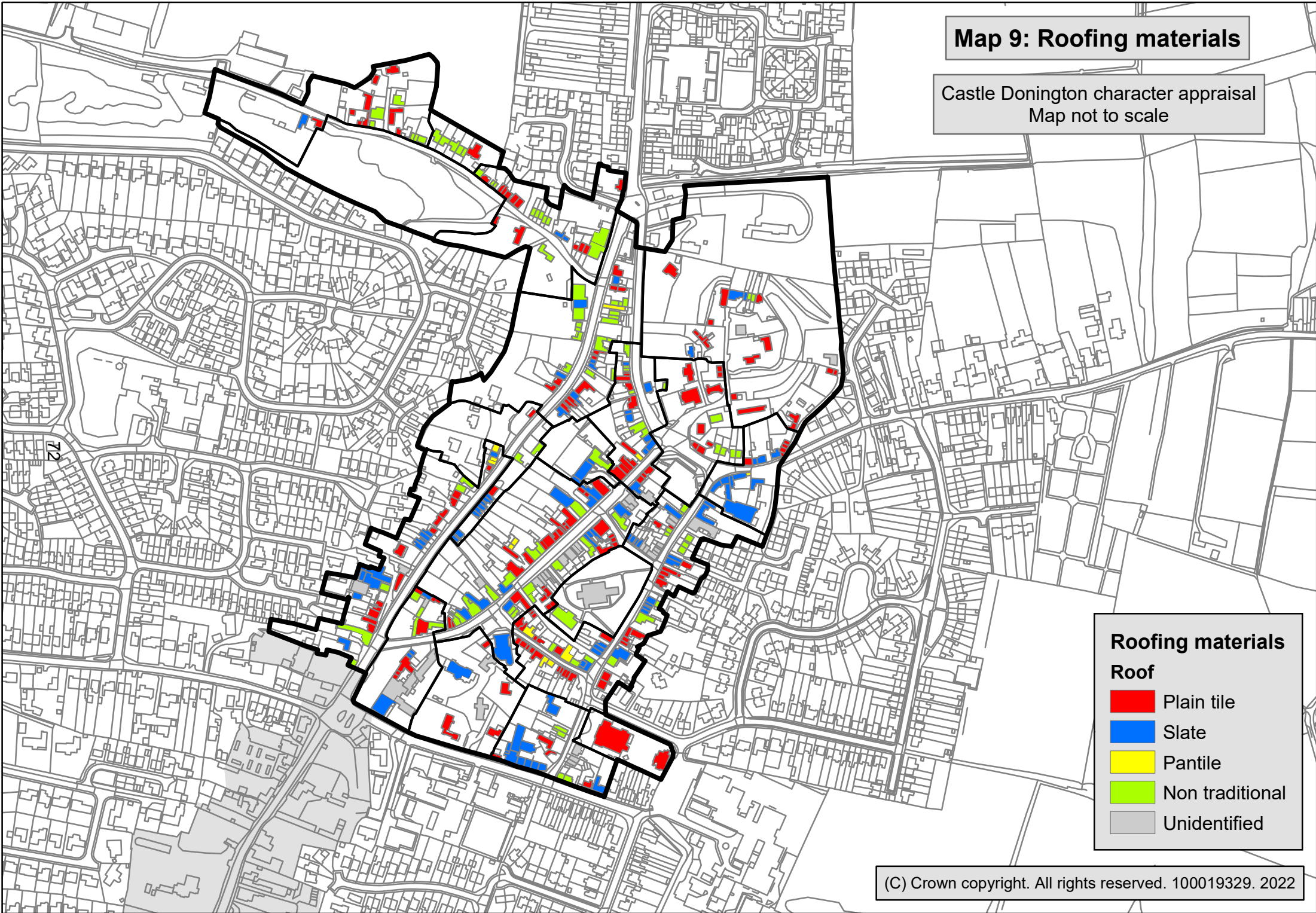
**Walling materials**

**Wall**

- Red brick
- Painted brick
- Render
- Half render
- Stone
- Non traditional

# Map 9: Roofing materials

Castle Donington character appraisal  
Map not to scale



**Roofing materials**

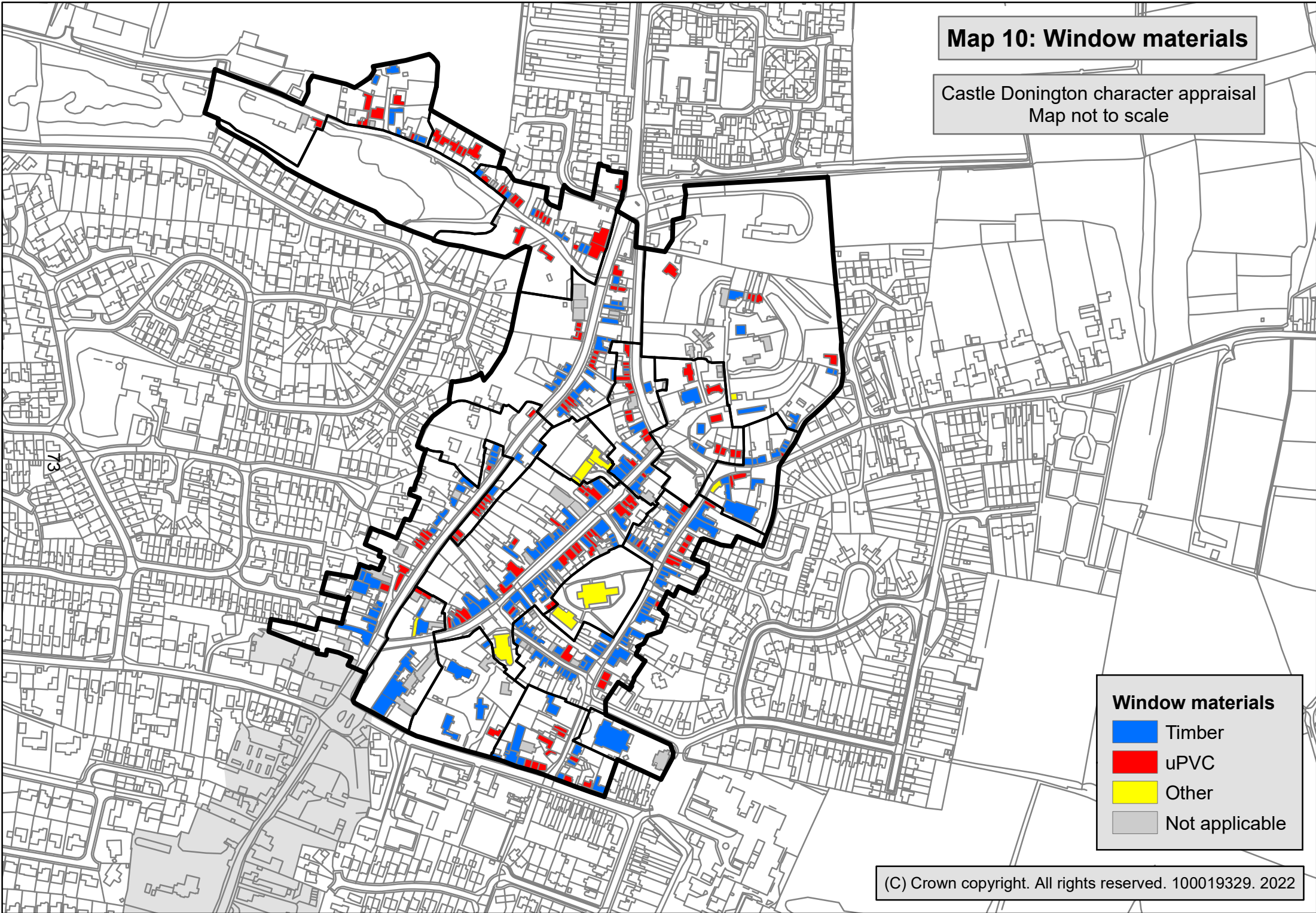
**Roof**

- Plain tile
- Slate
- Pantile
- Non traditional
- Unidentified



# Map 10: Window materials

Castle Donington character appraisal  
Map not to scale

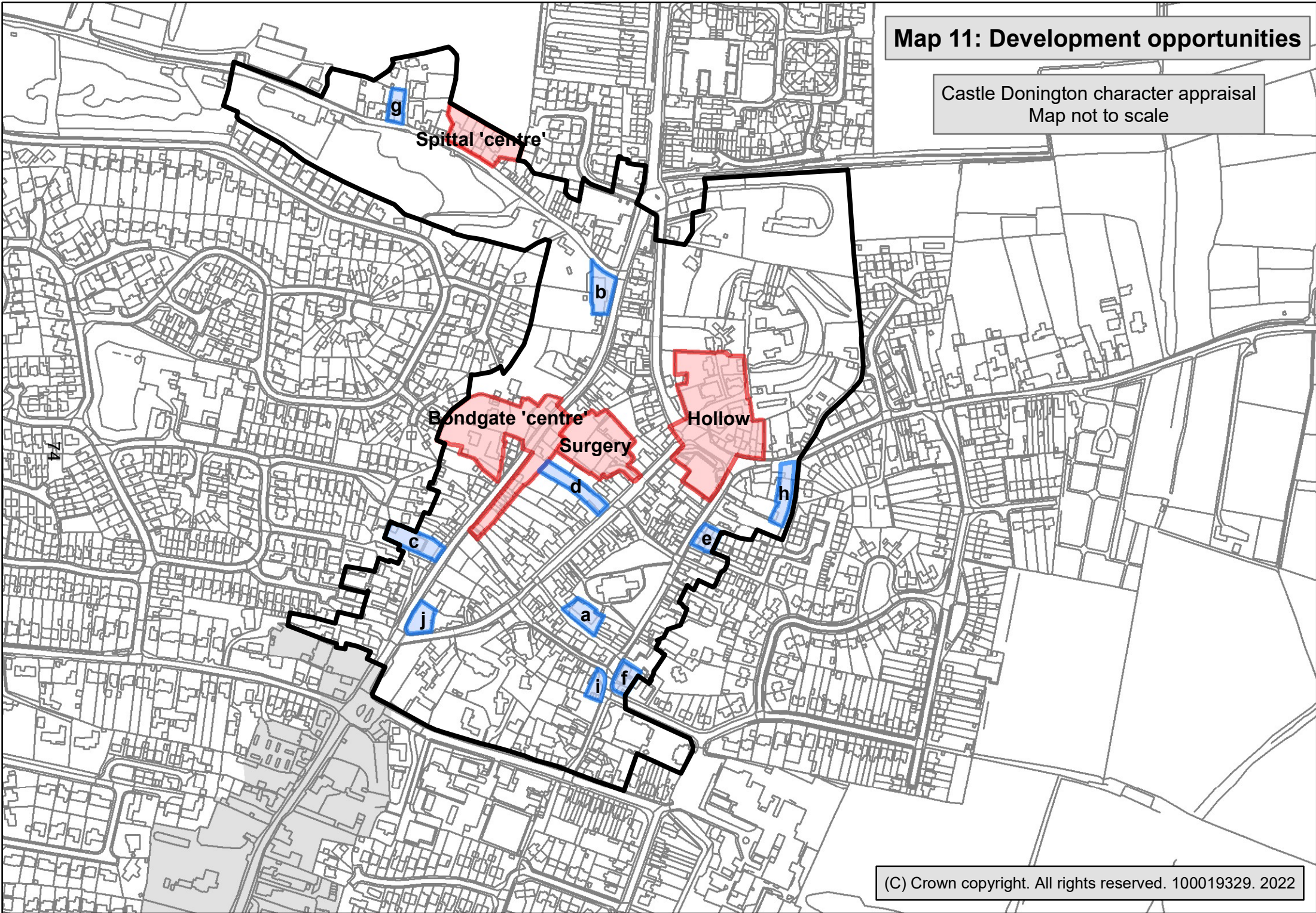


**Window materials**

- Timber
- uPVC
- Other
- Not applicable

# Map 11: Development opportunities

Castle Donington character appraisal  
Map not to scale



## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 28 FEBRUARY 2023



|                            |  |   |
|----------------------------|--|---|
| <b>Title of Report</b>     | <b>FIRST HOMES INTERIM POSITION STATEMENT</b>  |   |
| <b>Presented by</b>        | Councillor Keith Merrie<br>Planning and Infrastructure Portfolio Holder<br><a href="mailto:keith.merrie@nwleicestershire.gov.uk">keith.merrie@nwleicestershire.gov.uk</a><br>PH Briefed <input checked="" type="checkbox"/>  |   |
| <b>Background Papers</b>   | <a href="#">Written Ministerial Statement</a> of 24 May 2021<br><br><a href="#">First Homes Planning Practice Guidance</a><br><br><a href="#">National Planning Policy Framework</a><br><br><a href="#">Affordable Housing Supplementary Planning Document (2021)</a><br><br><a href="#">Cabinet Report 20 September 2022</a>  | <b>Public Report:</b> Yes<br><br><br><br><br><b>Key Decision:</b> Yes |
|                            | <b>Financial Implications</b><br>The implementation of the interim policy will be resourced from existing staffing and will form part of existing workloads. The Government recognises that the mandatory provision and administration of First Homes may have resource implications for local authorities and is monitoring the impact. Local authorities may, in the future, be able to make a charge for the administration work associated with the First Homes tenure.<br><b>Signed off by the Section 151 Officer:</b> Yes |   |
| <b>Legal Implications</b>  | The establishment of local connection test is a locally set requirement. The publication on an interim position statement will ensure the Council meets its statutory obligations with regard to the provision of new affordable housing across the district.<br><b>Signed off by the Deputy Monitoring Officer:</b> Yes   |   |
|                            | <b>Staffing and Corporate Implications</b><br>There are no direct staffing implications.<br><b>Signed off by the Head of Paid Service:</b> Yes   |   |
| <b>Purpose of Report</b>   | To report the outcomes of the consultation on the draft First Homes Interim Position Statement and to request that the statement be approved.  |   |
| <b>Reason for Decision</b> | The agreement of an Interim Position Statement is a Cabinet  |   |

|                        |   |
|------------------------|---|
|                        | responsibility  |
| <b>Recommendations</b> | <b>THAT CABINET</b><br><b>(i) APPROVES THE FIRST HOMES INTERIM POSITION STATEMENT IN APPENDIX A.</b><br><b>(ii) DELEGATES AUTHORITY TO THE HEAD OF PLANNING AND INFRASTRUCTURE, THE HEAD OF HOUSING AND THE HEAD OF LEGAL AND COMMERCIAL SERVICES TO ADMINISTER THE FIRST HOMES SCHEME.</b> |

## 1.0 BACKGROUND

1.1 First Homes are a form of affordable housing introduced by the Government whereby first-time buyers can purchase a new build property at a discount of 30% off the market value provided the house price, with the discount, is below £250,000. The percentage discount applies each time the property is sold i.e., in perpetuity. A First Home purchaser must meet the following, nationally set criteria:

- They are a first-time buyer. In the case of joint purchasers, both must be first-time buyers.
- The purchasers' gross household income must not be greater than £80,000 per annum.

Also

- The First Home must be the purchasers' only home.
- At least 50% of the discounted value of the property must be financed by a mortgage or similar financial arrangement.

1.2 The Council has two main roles with respect to First Homes;

- 1) To deliver First Homes through the planning system, through both development control and planning policy; and
- 2) To administer the sales and re-sales of First Homes by checking potential purchasers meet the applicable criteria and by supporting the conveyancing process.

1.3 Government guidance encourages local authorities to set out its approach to First Homes in an interim form, pending the planning policies for affordable housing being updated as part of a new Local Plan. At its meeting on 20 September 2022, Cabinet considered a draft First Homes Interim Position Statement (IPS) and agreed it for public consultation. The IPS does not set policy, which is rightly a matter for the new Local Plan, but it does provide clarity about how the First Homes scheme will operate. As part of this, the IPS confirms that the Council will require potential purchasers to have a local connection in addition to meeting the national requirements outlined above.

## 2.0 CONSULTATION OUTCOMES

2.1 Consultation on the draft IPS ran from 1 November to 13 December 2022 (six weeks). The consultation was published on the Council's website and contacts from the development industry, planning agents, developers, housebuilders and registered providers were notified. Two responses were received in addition to comments from the Development Control team.

| Comment                                    | Response                          |
|--|-----------------------------------|
| <b>Redrow:</b> The requirement for a local | First Homes was introduced by the |

|  |  |
|--|--|
| <p>connection criterion is not currently included within the National Planning Policy Framework, the adopted Local Plan or the emerging Local Plan, although it is outlined in National Planning Policy Guidance. There is no current valid policy justification that requires local connection criteria and this element should be removed. If the Council wishes to include a local connection criterion for First Homes, it should be properly justified before it is included within the emerging Local Plan. There may not be an existing local need to fulfil the requirements for First Homes which could mean a number of homes to remain unsold for three months or longer.</p> | <p>Written Ministerial Statement (WMS) on 24 May 2021. Like the NPPF, the WMS is a material planning consideration. Furthermore, the National Planning Practice Guidance encourages local authorities to make the development requirements for First Homes, including any local criteria, clear for their area using the most appropriate method depending on local circumstances. This can include the publication of an interim policy statement.</p> <p>The take up of First Homes, including by those with a local connection, will be monitored. Early experience of the former Arla Diaries site suggests that there is current demand from purchasers with a local connection. Also, the application of the local connection requirement is time limited; it can fall away after three months and purchasers need only meet the national criteria. This provides a safeguard for vendors in the event that no suitable purchasers come forward.</p> |
| <p><b>Gladman:</b> It would be prudent and beneficial for the Council to set out in its First Homes Policy what tenure types and associated percentage requirements are necessary to be provided after First Homes has been included of the affordable products on each site. This would provide greater clarity to developers and the public alike.</p>   | <p>Adopted Local Plan Policy H4 (Affordable Housing) does not prescribe what the breakdown should be between different affordable tenures. The respondent's request for clarity is helped by the Affordable Housing SPD (pages 7-8) which explains how the First Homes requirement will impact on tenure mix generally and includes some illustrative examples.</p> <p>The IPS includes a number of cross references to the SPD so further amendments are not considered necessary at this stage.</p>  |
| <p><b>Development Control team:</b> Do purchasers have to meet the national eligibility criteria and the local? Is it both or either/or?</p>   | <p>Amendments have been made to paragraph 2.3 of the IPS to clarify that <u>all</u> purchasers must meet the national criteria <b>and</b> <u>at least one</u> of the purchasers must meet <u>at least one</u> of the local connection criteria.</p>  |

**2.2** An amended version of the IPS showing the proposed changes is in Appendix A. In addition to the change above, minor word changes and re-ordering is suggested to improve the flow of the document.

**2.3** In November 2022, the first First Homes in the district came on to the market on Crest Nicholson's Potters Grange site on Smisby Road, Ashby de la Zouch (the former Arla

Dairies site). Crest Nicholson is participating in a Homes England pilot project which will see up to nine First Homes completed on this site.

- 2.4** Officers from the Planning Policy and Housing Strategy teams have been responsible for checking whether potential purchasers meet the national and local connection criteria. This has revealed that it would be helpful to publish information about the kind of evidence officers will require to confirm a purchaser meets the First Homes criteria, both national and local. This information will help all those involved in the sale and re-sale process (vendors, purchasers, sales office staff, estate agents) and the IPS is an ideal vehicle for setting it out. Accordingly, a new section (section eight) has been added to pages 9-10 of the IPS in Appendix A.
- 2.5** In addition to checking compliance with the national and local criteria, the council must also be involved in the conveyancing process for First Homes properties (including future re-sales), ensuring that the terms of the section 106 agreement are complied with and the First Homes restrictions are in place. This element of the process is dealt with by the Legal Services team.
- 2.6** For clarity, this report also seeks delegated authority for the First Homes scheme to be administered by the Heads of Planning and Infrastructure, Housing and Legal Services as appropriate.

| <b>Policies and other considerations, as appropriate</b> |   |
|--|---|
| Council Priorities:                                      | Local people live in high quality, affordable homes   |
| Policy Considerations:                                   | The Interim Policy Statement will complement the use of the Affordable Housing SPD  |
| Safeguarding:  | None specific.  |
| Equalities/Diversity:                                    | None specific.  |
| Customer Impact:   | None specific.  |
| Economic and Social Impact:                              | Having an interim policy which establishes a local connection test will provide social and economic benefits as it will enable local people to remain in the District and will also potentially assist employers with the retention and attraction of workers   |
| Environment and Climate Change:                          | Detail any environment and climate change impact as a result of the decision.   |
| Consultation/Community/Tenant Engagement:                | Details of the consultation on the draft IPS are described in the main report.  |
| Risks:   | First Homes are governed by national regulations, but these allow for the establishment of a local connection test.<br>The inclusion of First Homes as 25% of all affordable homes on qualifying sites is mandatory and will result in a reduction in other affordable housing tenures, with the greatest impact likely to be on the provision of rented accommodation. In order to minimise the impact, the Council will |

|                 |  |
|-----------------|--|
|                 | ensure that Local Plan policies are applied for the remainder of the affordable housing delivered on these sites, with emphasis on delivery of social rented homes for those on lowest incomes wherever possible and financially viable. |
| Officer Contact | Sarah Lee<br>Principal Planning Policy Officer<br>Planning Policy & Land Charges Team<br>01530 454791<br><a href="mailto:sarah.lee@nwleicestershire.gov.uk">sarah.lee@nwleicestershire.gov.uk</a>  |

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# **FIRST HOMES INTERIM POLICY STATEMENT**

**February 2023**

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# First Homes: Interim Policy Statement

## 1. Introduction

- 1.1. First Homes are an affordable home ownership product introduced by the Government that allows first time buyers to get onto the housing ladder at a reduced price.
- 1.2. On 24 May 2021, a [Written Ministerial Statement](#) and [Planning Practice Guidance](#) ('the Guidance') were published setting out further details on the First Homes policy and procedures, and confirmed an implementation date of 28 June 2021.

### 1.3. The council has two main roles with respect to First Homes;

- 1) To deliver First Homes through the planning system, through both development control and planning policy; and
- 2) To administer the purchase of First Homes by checking potential purchasers meet the applicable criteria and by supporting the conveyancing process.

~~4.3.1.4.~~ This Interim Policy Statement is based on the ~~Government's~~ guidance. It sets out how the Council will implement First Homes in its planning decisions until such time as the policy approach for First Homes is established through the ~~new~~ Local Plan ~~Review~~. It also gives examples of the evidence which purchasers can use to show they meet the First Homes criteria, both national and local.

### 4.4.1.5. The Statement will;

- Enable developers, councillors and officers to understand how the First Homes policy will work in practice;
- Help the Housing Team to maintain the affordability of the First Homes for the appropriate customer group, and to limit the impact that the delivery has on the affordable and social rented tenures; and
- In particular, it will clarify the Council's application of a local connection criteria

## 2. Key details of First Homes

- 2.1. Although the definition of affordable housing in Annex 2 of the [National Planning Policy Framework 2021](#) ('the Framework') has not been updated, the Guidance states that First Homes should be considered as meeting the definition of affordable housing for planning purposes.
- 2.2. The Government's policy on First Homes, as set out in the Written Ministerial Statement and the Guidance, is a material consideration for the Council when determining planning applications and in relation to the provision and type of affordable housing on market-led sites.

2.3. Key details

1. At least 25% of the affordable homes delivered on each a qualifying site must be delivered as delivered as First Homes  (see exemptions in Section 3); and
2. The First Homes default discount must be at least is 30% of the property's open market value and this discount applies to all future sales i.e. in perpetuity. Local authorities can set include policies in their Local Plans that seek a discount of 40% or 50% that seek discounts of 40% or 50% if they can evidence this is justified in terms of both the need necessity and viability through their Local Plan process; and
3. For the first sale, tThe re will be a price cap for qualifying properties, and the maximum purchase price after the discount will be is £250,000. For subsequent sales the discount is applied to the market value of the property at the time. A lLower price caps can be applied through limit for the first sale can be specified in lLocal pPlans or nNeighbourhood pPlans where this is justified supported by evidence; and
4. When a First Home is sold (both the first sale and all subsequent sales), the purchaser must meet the national criteria, namely:
  - They must be a first-time buyer. In the case of joint purchasers, both must be first-time buyers; and
  - The gross household income of the purchaser/s must be less than £80,000.

Also:

  - The First Home must be the purchasers' only home; and
  - At least 50% of the discounted value of the property must be financed via a mortgage or similar.
5. In addition to the national criteria, lLocal authorities can apply their own require purchasers to have a local connection criteria and other criteria such as giving priority to keyworkers, subject to providing evidence of the need to include such restrictions. Details of North West Leicestershire's local connection criteria are explained in section 4; and
4. Local connection criteria can only be applied apply for the first three3 months of marketing the First Home is on the market. If the First Home has not sold in this time, the local connection requirement falls away and it can be bought by someone who meets the national criteria only, after which a property can be sold to any purchaser from anywhere in England, subject to meeting the criteria around household income, first-time buyer eligibility, and with the discount still being held in perpetuity; and
6.

7. In the event that a First Home has not sold after 6 months of marketing, it can be sold as an open-market home and the seller pays the council a cash contribution in lieu of the 30% discount to be spent on affordable housing provision. This requirement is secured in the S106 agreement.

8. When a First Home is sold to subsequent purchasers, the same level of discount and the first time buyer eligibility criteria apply. The discount and first-time buyer eligibility requirement will be held in perpetuity and secured through a restriction on the title with the Land Registry and through Section 106 agreements. It is expected that the Government model s106 agreement template will be used; and

~~5.~~—A Mortgagee Exclusion Clause is set out to protect lenders to encourage competitive lending against First Homes.

~~6-9.~~

### 3. Exemptions from requirements to deliver First Homes

- 3.1. Paragraph 65 of the Framework sets out that for major development involving the provision of housing, 10% of all homes on site should be affordable home ownership products. The First Homes contribution will make up or contribute to this 10% requirement., Exceptions to the 10% requirement unless apply where the site or proposed development:
- Provides solely for Build to Rent homes;
  - Provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
  - Is proposed to be developed by people who wish to build or commission their own homes; or
  - Is exclusively for affordable housing, an entry-level exception site or a rural exception site.
- 3.2. First Homes are an affordable home ownership product. Where specific developments are exempt from delivering affordable home ownership products under paragraph 65 of the Framework, in accordance with Government policy they shall also be exempt from the requirement to deliver First Homes.

### 4. Principles for First Homes in North West Leicestershire

- 4.1. The Council has an [Affordable Housing Supplementary Planning Document \(SPD\)](#) agreed in 2021. Amongst other things, this establishes how the First Homes provision is applied alongside Policy H4 of the adopted Local Plan and also the requirement in the ~~National Planning Policy~~ Framework that 10% of all homes on a site should be for affordable home ownership.
- 4.2. As highlighted above, in addition to the national criteria local authorities can set their own, local eligibility criteria a for First Homes purchases.a.
- 4.3. Until a decision is made regarding local policies as part of ~~the current review of~~ the new Local Plan, negotiations will be based on the following criteria.

a. Discount level of 30%

The ~~government~~ Guidance sets out a requirement for a minimum 30% discount from open market value, but higher discounts of 40% or 50% may be applied where a need is demonstrated through evidence and confirmed in a Local Plan policy.

At this stage, the Council is applying the national minimum discount of 30%. This applies across all settlements and locations in the District.

**Until such time as evidence is available to suggest differently, and taking into account the impact on site viability, the council will apply the national discount of 30%**

b. A price cap of £250,000 after discount

The maximum purchase price for a First Home (initial sale only) is £250,000 after the First Homes discount. Assuming a discount of 30%, the maximum open market value before discount would be in the region of £357,000. Whilst the 30% discount will apply when a First Home is sold on in the future, this will be based on the market value of the property at the time. ~~The~~ price cap does not apply to resales.

Local authorities have discretion to set lower price caps if they can demonstrate a need for this. Any local price caps can be determined through the local plan making process with regard to local income levels, related to local house prices and mortgage requirements.

**Until such time as evidence is available to suggest differently, and taking into account the impact on site viability, the council will apply the national price cap of £250,000 after discount.**

c. A combined annual household income not exceeding £80,000

The household income limit of £80,000 ~~proposed by government~~ is in line with the existing criteria for all other low cost home ownership products, and the data available to us via the Help to Buy Agent is based on that limit.

North West Leicestershire has been designated as an area of high affordability issues by Homes England. Therefore, at this time there is not a justification for having a lower income cap, particularly as such a reduction would reduce the number of potential purchasers who ~~could~~ afford to buy a First Home.

**Until such time as evidence is available to suggest differently, and taking into account the impact on site viability, the council will apply the national household income level of £80,000.**

d. Local Connection

Local authorities can set their own local connection criteria for the sale of First Homes.

The council has an established local connection test as part of its housing allocations policy and the council will apply these same local connection criteria to the purchasers of First Homes to ensure that residents and people with a connection to the district are prioritised. This approach aligns with that approved and used when allocating rented properties through the council's Choice Based Lettings System. This not only ensures that local residents are prioritised but provides transparency across the different tenures and streamlines the monitoring workload. The local connection criteria apply for the first 3 months that a First Home is on the market.

**At least one of the purchasers must satisfy at least one of the following local connection criteria;**

- a. they currently reside on a permanent basis within the District; **or**
- b. they have lived in the District for at least 6 months in the last 12 months or for at least three out of the last five years; **or**
- c. they or a member of their household are employed on a permanent basis for a minimum of twelve months within the District (with confirmation from their employer); **or**
- d. they have parents brothers sisters or adult children living within the District for at least five years (including step-family equivalents); **or**
- e. they have no local connection but are fleeing violence or threats of violence and have been accepted as priority homeless by the District Council; or
- f. such other special circumstances approved from time to time on an individual basis by the District Council in writing

**In recognition of the unique nature of their circumstances, members of the Armed Forces, the divorced or separated spouse or civil partner of a member of the Armed Forces, the spouse or civil partner of a deceased member of the Armed Forces (if their death was caused wholly or partly by their service) or veterans within five years of leaving the Armed Forces, are exempt from any local connection testing restrictions.**

~~Local connection criteria can only be applied for the first three months of advertisement. After 3 months, if the property has not sold to someone meeting the local criteria, the seller can sell the property to someone with no local connection, provided that they still qualify as a first time buyer, and are within the household income limit. Marketing to a household without a local connection will again be for 3 months.~~

e. Key Workers

The local connection test refers to people employed in the district but does not make any specific provision for key workers. The Guidance allows for the definition of key worker to be defined locally and that it "could be any person who works in any profession that is considered essential for the functioning of a local area". This is a matter which will require further investigation and so it is suggested that the interim policy not include key workers in the local



connection criteria. This could be considered as part of the new Local Plan.

**The council will consider key worker requirements as part of the new Local Plan. In the meantime, the council will not attach specific priority to key workers or other specific client groups.**

## **5. Housing Mix**

- 5.1. The Affordable Housing SPD establishes how the First Homes provision would be applied alongside Policies H4 - Affordable housing and H6 - Housing mix of the [adopted Local Plan 2017](#) and the requirement in the Framework that 10% of all homes on a site be affordable properties. Further details can be found in Section 2 of the SPD.
- 5.2. The mandatory inclusion of First Homes as 25% of all affordable homes on qualifying sites will almost certainly result in a reduction in other affordable housing tenures, particularly rented properties. In order to minimise the impact, the Council will ensure that Local Plan policies are applied for the remainder of the affordable housing delivered on these sites, with emphasis on delivery of social rented homes for those on lowest incomes wherever possible and financially viable, consistent with the Council's adopted Affordable Housing SPD.

## **6. Other Matters**

- 6.1. First Homes are intended to be used as a person's sole or primary residence and should not be used for investment or commercial gain. However, there are occasions when it may be necessary for owners of First Homes to let out their property for short periods of time, especially in response to unexpected life events.
- 6.2. Therefore, in accordance with the Government's policy, a First Home owner can only rent out their home for a maximum period of two years, as long as the local authority is notified. Longer rental periods will be considered under the following circumstances:
  - deployment elsewhere (for members of the Armed Forces);
  - primary caring responsibilities for relative/friend;
  - short job posting elsewhere;
  - redundancy; domestic abuse;
  - and relationship breakdown.
- 6.3. This will not affect restrictions on letting a property prescribed by a mortgage lender and permission from them would likely also be required.

## **7. Section 106 agreements**

- 7.1. The Planning Practice Guidance sets out that the landowner should enter into a planning obligation under section 106 of the Town and Country Planning Act 1990 that:
  - a) secures the delivery of the First Homes; and,
  - b) ensures that a legal restriction is registered onto a First Home's title on

its first sale

**7.2.** The Government has published [Model Section 106 Agreement for First Homes](#) and recommends that this model agreement is used. The Council will use these clauses in relation to the First Homes on a scheme and any other affordable housing in the same scheme will be covered by the Council’s standard S106 agreement wording for affordable housing.

**8. National and Local Connection Eligibility Criteria**

**8.1.** Someone wanting to purchase a First Home property must submit a completed application form to the council. Amongst other things, its purpose is to demonstrate that the purchaser is eligible to buy a First Home. The council reviews the application and, if all requirements are met, issues an ‘Authority to Proceed’ after which the conveyancing process can begin.

**8.2.** The table below sets out examples of evidence which could be supplied to demonstrate purchaser’s eligibility. The lists are not exhaustive.

| <b><u>National criteria</u></b>                              | <b><u>Examples of evidence</u></b>  |
|--|---|
| <u>Are ALL the purchasers first time buyers?</u>             | <ul style="list-style-type: none"> <li>• <u>Self-declaration is sufficient at the application stage.</u></li> <li>• <u>Full checks are undertaken by the mortgage company and legal advisors later in the process.</u></li> </ul> |
| <u>Is the annual gross household income at/below £80,000</u> | <ul style="list-style-type: none"> <li>• <u>Payslips for the last three consecutive months</u></li> <li>• <u>For the self-employed, tax returns or similar to demonstrate average annual income.</u></li> </ul>                   |

| <b><u>Local connection criteria</u></b>   | <b><u>Examples of evidence</u></b>  |
|---|---|
| <u>At least one of the purchasers must meet at least one of the following:</u>  |   |
| <u>a. they currently reside on a permanent basis within the District;</u>   | <ul style="list-style-type: none"> <li>• <u>Rent books/signed tenancy agreements</u></li> <li>• <u>Landlord references</u></li> <li>• <u>Current utility/council tax bills</u></li> <li>• <u>Recent bank statement</u></li> </ul>   |
| <u>b. they have lived in the District for at least 6 months in the last 12 months or for at least three out of the last five years;</u> | <ul style="list-style-type: none"> <li>• <u>Rent books/signed tenancy agreements</u></li> <li>• <u>Landlord references</u></li> <li>• <u>Utility/council tax bills covering the required period</u></li> <li>• <u>Bank statements covering the required period</u></li> </ul> |
| <u>c. they or a member of their household</u>   | <ul style="list-style-type: none"> <li>• <u>Letter from employer</u></li> </ul>   |

|  |  |
|--|--|
| <p><u>are employed on a permanent basis for a minimum of twelve months within the District (with confirmation from their employer);</u></p>  | <ul style="list-style-type: none"> <li>• <u>Employment contract</u></li> <li>• <u>For self-employed, the latest, full year tax return</u></li> </ul>   |
| <p><u>d. they have parents, brothers, sisters or adult children living within the District for at least five years (including step-family equivalents);</u></p>  | <p><u>The relative's</u></p> <ul style="list-style-type: none"> <li>• <u>Rent books/signed tenancy agreements</u></li> <li>• <u>Landlord references</u></li> <li>• <u>Utility/council tax bills covering the required period</u></li> <li>• <u>Bank statements covering the required period</u></li> </ul> |
| <p><u>e. they have no local connection but are fleeing violence or threats of violence and have been accepted as priority homeless by the District Council; or</u></p>   | <p><u>Judged on a case by case following consideration by council's Housing Choices team</u></p>   |
| <p><u>f. such other special circumstances approved from time to time on an individual basis by the District Council in writing.</u></p>  | <p><u>Judged on a case by case following consideration by council's Housing Choices team</u></p>   |
| <p><u>In recognition of the unique nature of their circumstances, members of the Armed Forces, the divorced or separated spouse or civil partner of a member of the Armed Forces, the spouse or civil partner of a deceased member of the Armed Forces (if their death was caused wholly or partly by their service) or veterans within five years of leaving the Armed Forces, are exempt from any local connection testing restrictions.</u></p> | <ul style="list-style-type: none"> <li>• <u>Proof of service (pay slips/army pension)</u></li> <li>• <u>Discharge papers</u></li> <li>• <u>Letter from Commanding Officer</u></li> <li>• <u>Marriage/civil partnership certificate</u></li> </ul>  |

## Further Sources of Information

[Written Ministerial Statement 24th May 2021](#)

[Planning Practice Guidance – First Homes](#)

[North West Leicestershire Affordable Housing Supplementary Planning Document \(2021\)](#)

## Contacts

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## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 28 FEBRUARY 2023



|  |   |                           |
|--|---|---------------------------|
| <b>Title of Report</b>                     | <b>LEVELLING UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY – RESPONSE TO CONSULTATION</b>   |                           |
| <b>Presented by</b>                        | Councillor Keith Merrie<br>Planning and Infrastructure Portfolio Holder<br><a href="mailto:keith.merrie@nwleicestershire.gov.uk">keith.merrie@nwleicestershire.gov.uk</a><br>PH Briefed <input checked="" type="checkbox"/>   |                           |
| <b>Background Papers</b>                   | <a href="#">Levelling-up and Regeneration Bill: reforms to national planning policy</a>   | <b>Public Report:</b> Yes |
|  | <a href="#">National Planning Policy Framework</a>  | <b>Key Decision:</b> Yes  |
| <b>Financial Implications</b>              | At this stage it is considered that the financial implications of the proposals set out in the consultation would be likely to be neutral. Some aspects have the potential to result in costs savings, for example by minimising discussion at any Local Plan Examination. However, other aspects may require additional expenditure, for example commissioning consultants. This would need to be addressed as part of any future budget setting process.<br><b>Signed off by the Section 151 Officer:</b> Yes |                           |
| <b>Legal Implications</b>                  | The NPPF is material consideration when preparing Local Plans and in determining planning applications and so any changes will influence future Council decisions.  |                           |
|  | <b>Signed off by the Monitoring Officer:</b> Yes  |                           |
| <b>Staffing and Corporate Implications</b> | None identified at this stage.  |                           |
|  | <b>Signed off by the Head of Paid Service:</b> Yes  |                           |
| <b>Purpose of Report</b>                   | To outline proposals from government for further planning reforms by government and to agree a suggested response to go forward for consideration by Cabinet.   |                           |
| <b>Reason for Decision</b>                 | To determine the Council's response to the consultation.  |                           |
| <b>Recommendations</b>                     | <b>THAT CABINET RESPONDS TO THE CONSULTATION IN RESPECT OF THE LEVELLING UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY AS SET OUT IN QUESTIONS 1 TO 58 ATTACHED AT APPENDIX A OF THIS REPORT.</b>   |                           |

**1 BACKGROUND**

- 1.1 On 22 December 2022, the UK Government published a consultation document on the proposed reforms to National Planning Policy and a corresponding draft version of a new National Planning Policy Framework (NPPF) which sets out Government's planning policies for England. The consultation is open until 2 March 2023.

- 1.2 The consultation documents can be viewed at <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>
- 1.3 The consultation and the suggested response are due to be considered by the Local Plan Committee at its meeting on 21 February 2023. A copy of that report is attached at Appendix A of this report. The views of the Local Plan Committee will be reported verbally to Cabinet at its meeting.

| <b>Policies and other considerations, as appropriate</b> |   |
|--|---|
| Council Priorities:                                      | <ul style="list-style-type: none"> <li>- Supporting Coalville to be a more vibrant, family-friendly town</li> <li>- Support for businesses and helping people into local jobs</li> <li>- Developing a clean and green district</li> <li>- Local people live in high quality, affordable homes</li> <li>- Our communities are safe, healthy and connected.</li> </ul>  |
| Policy Considerations:                                   | The proposals outlined in the consultation have the potential to have a fundamental impact upon the Council's Local Plan, which is currently being reviewed.  |
| Safeguarding:  | No issues identified  |
| Equalities/Diversity:                                    | No issues identified  |
| Customer Impact:   | No issues identified  |
| Economic and Social Impact:                              | A number of the proposals set out in the consultation have the potential for either economic or social impacts. These include (economic) support for small builders, seeking to boost economic growth and emphasising the importance of housing to support economic growth and meet the needs of local communities. Other proposed changes will have a social impact, including those relating to Neighbourhood Plans, support for community led housing and seeking more homes for social renting and for older persons. |
| Environment and Climate Change:                          | A number of the proposals included in the consultation have the potential to support the Council achieve its net zero carbon reduction aims, as well as enhancing biodiversity and improving the quality of new development.  |
| Consultation/Community Engagement:                       | The consultation does not include any specific proposals in respect of how authorities consult or engage with their local communities. However, the proposed changes in respect of Neighbourhood Plans should make the preparation of such plans more attractive to local communities and potentially encourage a greater take up and engagement of local communities in planning.  |

|                 |  |
|-----------------|--|
| Risks:          | <p>The proposals set out in the consultation have potential resource implications for the Council.</p> <p>Depending upon the timing of any changes, there could be an impact upon the Local Plan review in terms of its scope, content and look. If transition arrangements are not put in place or are not robust, there is a risk that current work on the review could be jeopardised or lost. This matter will need to be kept under review.</p> |
| Officer Contact | <p>Ian Nelson<br/>         Planning Policy Team Manager<br/>         01530 454677<br/> <a href="mailto:ian.nelson@nwleicestershire.gov.uk">ian.nelson@nwleicestershire.gov.uk</a></p>  |





|  |   |   |
|--|---|---|
| <b>Title of Report</b>                     | <b>LEVELLING UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY (NPPF) – RESPONSE TO CONSULTATION</b>  |   |
| <b>Presented by</b>                        | Ian Nelson<br>Planning Policy Team Manager<br>01530 454677<br><a href="mailto:ian.nelson@nwleicestershire.gov.uk">ian.nelson@nwleicestershire.gov.uk</a>  |   |
| <b>Background Papers</b>                   | <a href="#">Levelling-up and Regeneration Bill: reforms to national planning policy</a><br><br><a href="#">National Planning Policy Framework</a><br><br><a href="#">Freeport Housing Need Report FINAL.pdf (nwleics.gov.uk)</a>  | <b>Public Report:</b> Yes<br><br><b>Key Decision:</b> Yes |
| <b>Financial Implications</b>              | At this stage it is considered that the financial implications of the proposals set out in the consultation would be likely to be neutral. Some aspects have the potential to result in costs savings, for example by minimising discussion at any Local Plan Examination. However, other aspects may require additional expenditure, for example commissioning consultants.<br><br><b>Signed off by the Section 151 Officer:</b> Yes |   |
| <b>Legal Implications</b>                  | The NPPF is material consideration when preparing Local Plans and in determining planning applications and so any changes will influence future Council decisions.<br><br><b>Signed off by the Monitoring Officer:</b> Yes  |   |
| <b>Staffing and Corporate Implications</b> | None identified at this stage.<br><br><b>Signed off by the Head of Paid Service:</b> Yes  |   |
| <b>Purpose of Report</b>                   | To outline proposals from government for further planning reforms by government and to agree a suggested response to go forward for consideration by Cabinet.   |   |
| <b>Recommendations</b>                     | <b>THAT:</b><br><br><b>(i) THIS COMMITTEE RECOMMENDS THAT CABINET RESPONDS TO THE CONSULTATION IN RESPECT OF THE LEVELLING UP AND REGENERATION BILL: REFORMS TO NATIONAL PLANNING POLICY (NPPF) AS SET OUT IN SECTIONS 3 TO 15 OF THIS REPORT; AND</b>  |   |

|  |   |
|--|---|
|  | <p><b>(ii) FOR THE REASONS SET OUT IN SECTION 16 OF THIS REPORT THAT NO CHANGE BE MADE AT THIS TIME TO THE HOUSING REQUIREMENT AGREED AS PART OF THE NEW LOCAL PLAN, BUT THAT THE MATTER BE KEPT UNDER REVIEW</b></p> |
|--|---|

**1 BACKGROUND**

- 1.1 On 22 December 2022, the UK Government published a consultation document on the proposed reforms to National Planning Policy and a corresponding draft version of a new National Planning Policy Framework (NPPF) which sets out Government's planning policies for England. The consultation is open until 2 March 2023.
- 1.2 The consultation documents can be viewed at <https://www.gov.uk/government/consultations/levelling-up-and-regeneration-bill-reforms-to-national-planning-policy>
- 1.2 The purpose of this report is to consider the proposals and how the Council should respond to them. The consultation will be considered by Cabinet at its meeting on 28 February 2023. The recommendations above allow for this Committee's comments to be forwarded to Cabinet as part of its considerations.

**2 THE CONSULTATION**

- 2.1 The proposed reforms to National Planning Policy cover a wide-range of proposals both for immediate implementation and then for a fuller update of the NPPF later in 2023 and beyond.
- 2.2 Two separate documents have been published:
  - A consultation document which sets out proposed changed wording to the NPPF to take effect immediately (subject to the outcome from consultation) and also highlights future potential additional changes, including more information regarding the introduction of National Development management Policies; and
  - An updated NPPF with the proposed wording changes highlighted
- 2.3 The consultation document is divided in to 15 separate chapters covering a range of issues and setting out some 58 questions.
- 2.4 The consultation covers a broad sweep of issues, but it is noticeable that the government has provided little detail for many of the issues and is instead seeking views on what changes might be appropriate. Further changes will not take place until after the Levelling -Up and Regeneration Bill has completed its passage through Parliament and gained Royal Assent, currently anticipated to be Spring 2023.
- 2.5 The following sections provide a brief summary of the various chapters along with a brief comment as necessary followed by the suggested response to the various questions.

### **3 CHAPTER 1 - INTRODUCTION**

- 3.1 This section provides some background information to the NPPF and the Levelling - Up and Regeneration Bill (hereafter referred to as The Bill), including reasons for the proposed changes. In particular, it states the Government's view that "*Our proposed reforms create clear incentives for more local authorities to adopt [local] plans*". This is because "*our analysis shows that having a sound plan in place means housing delivery increases compared to those local authorities with an out-of-date plan, or no plan at all*".
- 3.2 There are no specific questions relating to this section.

### **4 CHAPTER 2 – POLICY OBJECTIVES**

- 4.1 This notes the intention that the proposed changes will support the Government's wider objective to make "*the planning system work better for communities, delivering more homes through sustainable development, building pride in place and supporting levelling up more generally*". It goes on to list the following objectives:
- Building beautiful and refusing ugliness
  - Securing the infrastructure needed to support development
  - More democratic engagement with communities on local plans
  - Better environmental outcomes
  - Empowering communities to shape their neighbourhoods
  - All this is needed to deliver more homes in the right places, supported by sustainable and integrated infrastructure for our communities and our economy
- 4.2 There are no specific questions relating to this section.

#### Comment

- 4.3 The consultation refers to changes proposed as part of The Bill to include measures to capture uplifts in land value through a new Infrastructure Levy and the requirement for Infrastructure Delivery Strategies. The new Levy will be set locally, will largely replace the need for s106 agreements and, unlike the Community Infrastructure Levy, will be mandatory. These changes, the consultation suggest, "*will ensure that development delivers the infrastructure that communities need and expect, including at least as much affordable housing as at present*".
- 4.4 Notwithstanding the laudable aims, the consultation document does not mention anywhere the issue of viability. If it is the government's intention to continue to require that developments are viable, then it is considered that these aims will be difficult to achieve. Furthermore, many of these changes will not take effect for some time but it is still necessary to ensure that development continues at a pace to meet identified needs. This will mean balancing infrastructure requirements (and costs) against viability at the point that planning applications are determined and, almost inevitably, will result in trade-offs.

### **5 CHAPTER 3 – PROVIDING CERTAINTY THROUGH LOCAL AND NEIGHBOURHOOD PLANS**

- 5.1 This section starts with the premise that "*Every local authority should have a simple, clear local plan in place to plan for housing delivery in a sustainable way for years to*

come. However, only around 40% of local authorities have local plans adopted within the past five years”.

### **Reforming the five-year housing land supply (5YHLS)**

5.2 The Bill will strengthen local plans by increasing the weight given to them. Alongside this, the consultation highlights the following additional changes which are proposed:

- where the housing requirement in a local plan is less than five years old then it would not be necessary to demonstrate a deliverable five-year supply of housing
- the current requirement to include a 5%, 10% or 20% buffer in five-year supply calculation (depending upon local circumstances) would no longer be applied
- where oversupply of homes early in the plan period has occurred then this can be taken in to account when calculating a five-year housing land supply

#### Comment

5.3 As the housing requirement in the adopted Local Plan is more than five years old then the benefits from the first bullet point will not be realised at this time.

#### **Question 1**

Do you agree that local planning authorities should not have to continually demonstrate a deliverable five-year housing land supply (5YHLS) as long as the housing requirement set out in its strategic policies is less than five years old?

#### Suggested response

These proposed changes are to be welcomed and should provide some incentive to get plans in place. However, the NPPF is still proposed to retain those paragraphs that require authorities to identify a supply of specific deliverable sites for years one to five of the plan period and specific developable sites for years six to ten and where possible, eleven to fifteen. Therefore, this negates this provision to some degree.

#### **Question 2**

Do you agree that buffers should not be required as part of 5YHLS calculations (this includes the 20% buffer as applied by the Housing Delivery Test)?

#### Suggested response

The Council would support the removal of the need for buffers as part of the 5YHLS as they merely inflate the requirement with no evidential basis provided for the various buffers. Furthermore, it potentially punishes authorities such as North West Leicestershire which have a good track record of over provision in recent years.

### **Question 3**

Should an oversupply of homes early in a plan period be taken into consideration when calculating a 5YHLS later on or is there an alternative approach that is preferable?

#### **Suggested response**

In terms of oversupply, this is something which has been taken into account in the Council's current five-year land supply assessment. However, this is an issue which has been treated differently at appeals depending upon the views of the particular Planning Inspector. A consistent approach which enables past over supply to be taken into account is to be welcomed.

### **Question 4**

What should any planning guidance dealing with oversupply and undersupply say?

#### **Suggested response**

In respect of oversupply, as noted in response to question 3, this Council supports the explicit recognition that it should be appropriate to take into account oversupply.

In terms of undersupply, whilst the Council recognises that this should be taken into account, it is important that any guidance recognises that there may be occasions where an under supply of housing, whether in total or as part of a five-year land supply assessment, is appropriate. For example, larger developments are likely to require more infrastructure but equally they are more likely to be able to support such provision. One way to address some of these concerns as part of the local plan might be to push back those larger developments to later in the plan period. However, this will the raise issues in terms of maintaining a five-year housing land supply. It would be helpful if the NPPF made it clear that such an approach is appropriate as part of plan preparation, subject to a Planning Inspector being satisfied at Examination that the overall housing requirement will still be delivered. Where this is the case, then this should be acknowledged as a legitimate reason as to why a 5YHLS might not be demonstrable.

### ***Boosting the status of Neighbourhood Plans***

- 5.4 Existing NPPF paragraph 14 gives strong protection from speculative development to areas with a neighbourhood plan less than two years old that meets its housing requirement. It is proposed to extend this protection to neighbourhood plans up to five years old. In addition, it is also proposed to provide further protections by removing tests relating to demonstrating a minimum housing land supply and the Housing Delivery Test.

### **Question 5**

Do you have any views about the potential changes to paragraph 14 of the existing Framework and increasing the protection given to neighbourhood plans?

#### **Suggested response**

The proposed changes in respect of neighbourhood plans are welcomed as it will help to protect local communities and avoid the cost and commitment of almost constant updates. However, there may be circumstances whereby a neighbourhood plan is less than five-years old, but a new local plan is adopted which uses a different housing requirement. Guidance needs to make clear how neighbourhood plans are to be considered in such circumstances.

## 6 CHAPTER 4 – PLANNING FOR HOUSING

- 6.1 The consultation notes that “*Ensuring that enough land is allocated to provide the right homes in the right places that our communities need, alongside other economic, social and environmental needs, is a central task of planning*”. To this effect it is proposed to make changes to the opening chapters of the NPPF to emphasise the importance of planning for homes.

### **Question 6**

Do you agree that the opening chapters of the Framework should be revised to be clearer about the importance of planning for the homes and other development our communities need?

### **Suggested response**

The NPPF recognises the purpose of the planning system is to contribute to the achievement of sustainable development. Emphasising the importance of housing and other forms of development at the expense of other considerations, particularly environmental considerations, is at odds with this. It is considered that such an approach is inappropriate in the context of seeking to achieve sustainable development which needs to balance all considerations.

### ***Local housing need and the standard method***

- 6.2 It is proposed to retain the standard method for calculating an areas housing need, although it is to be an “*advisory starting point*”, rather than mandatory as at present. There is also a commitment to review the implications for the standard method when new household projections are published in 2024 based on the 2021 census. However, for now it is proposed to retain the use of the 2014-based household projections.

### **Comment**

- 6.3 In terms of the current review of the Local Plan, the housing requirement is (via the Leicester and Leicestershire Statement of Common Ground) based on the 2014-based household projections. This ensures that it is consistent with the current Planning Practice Guidance.
- 6.4 The comment that the standard method is ‘mandatory’ is somewhat misleading. The Planning Practice Guidance states that “*No,[ it is not mandatory] if it is felt that circumstances warrant an alternative approach but authorities can expect this to be scrutinised more closely at examination. There is an expectation that the standard method will be used and that any other method will be used only in exceptional circumstances*”. It will be noted that this also allows for using alternative methods to identify housing requirements in ‘exceptional circumstances’.
- 6.5 As such, the proposed ‘changes’ do not amount to a significant change.

### **Question 7**

What are your views on the implications these changes may have on plan-making and housing supply?

#### **Suggested response**

Whilst welcoming the proposed wording, the Council notes that Planning Practice Guidance already notes that the standard method is not mandatory.

It would be helpful when the government has considered the implications of the 2021 census if guidance is issued as to how plans that are proceeding at that time should take in to account any changes, for example by including a transitional period.

### ***Introducing new flexibilities to meeting housing needs***

- 6.6 Notwithstanding the intention to retain the standard method to calculate housing requirements, the consultation proposes that from Spring 2023, alternative methods can be used to identify a housing requirement where there are exceptional circumstances. These will be outlined in new guidance. The examples given in the consultation document include circumstances where there is a high percentage of elderly resident's or students, but other examples are sought as part of the consultation.
- 6.7 The consultation makes clear that any alternative proposals in respect of housing requirements will need to be evidenced and that "*the plan makes appropriate and effective use of land, and where all other reasonable options to meet housing need have been considered*". It would also be possible to plan for more growth than the standard method for example to capitalise on economic development opportunities.

#### **Comment**

- 6.8 As noted above, the Planning Practice guidance already recognises that there may be exceptional circumstances which could justify the use of alternative methods. As such this is not a significant change. Further guidance is required to help understand what would constitute exceptional circumstances.
- 6.9 Members will recall that the housing requirement as part of the new Local Plan has been set at 686 dwellings each year, based on the Statement of Common Ground. This proposed change, if carried forward, may have implications for this requirement. This is considered further in section 16 of this report.

### **Question 8**

Do you agree that policy and guidance should be clearer on what may constitute an exceptional circumstance for the use of an alternative approach for assessing local housing needs? Are there other issues we should consider alongside those set out above?

#### **Suggested response**

The need to evidence any alternative methods is appropriate, but terms such as "exceptional circumstances" are open to interpretation which will almost certainly

result in prolonged discussion at Examinations from those seeking alternative figures (whether higher or lower). It is essential that any further guidance that is issued is clear and unambiguous as to what would constitute exceptional circumstances so as to minimise such a risk.

- 6.10 It is proposed to amend the NPPF so that if housing need can be met only by building at densities which would be significantly out-of-character with the existing area this may be an adverse impact which could outweigh the benefits of meeting need in full. The consultation is seeking other examples which might justify an alternative approach.
- 6.11 In addition, it is proposed to allow authorities to take account of over delivery in the preceding plan period. This would enable authorities to deduct any surplus provision from the needs in a new plan. This would be separate to the proposals in respect of five-year land supply outlined earlier.
- 6.12 Other changes are also proposed in relation to housing and the Green Belt.

#### Comment

- 6.13 The proposal to be allowed to take account of over provision in the preceding plan period is potentially very significant for this Council. This is considered further at section 16 of this report.
- 6.14 Members will recall that the adopted Local Plan includes a housing requirement of 481 dwellings each year. For the period from 2011-2020 (the start date for the new local Plan) this equates to a requirement of 4,329 dwellings. The actual total provision was 5,490 dwellings or 610 each year. This is a difference of 1,161 dwellings.
- 6.15 If it were possible to take this account of the requirement for the new Local Plan (686 dwellings each year which equates to 13,720 dwellings over the plan period 2020-40) then the overall requirement would decrease to 12,559 dwellings.
- 6.16 Allowing for completions and projected completions as well as an additional 10% flexibility allowance this leaves a residual requirement of 6,681 dwellings (as at April 2022). Deducting the over provision for 2011-20 (1,161) would reduce this to about 5,500 dwellings which is clearly a significant difference. Further clarification is required from government as to how it sees this matter operating, but potentially this could be of considerable significance for the new Local Plan. However, any clarification is required urgently in order to avoid delaying the new Local Plan or resulting in abortive work.
- 6.17 On the issue of densities, it is difficult to see how this issue could be applied to areas such as North West Leicestershire which are a mix of settlements of different size and character and large undeveloped, rural areas. This issue would seem to be more appropriate in larger urban areas but also seems at odds with the urban uplift applied as part of the standard method. For example, it might be possible for a large urban authority to argue that if it were to accommodate all of its needs then this would result in higher densities out of keeping with the local character. This could then be used to justify exporting unmet need to surrounding authorities contrary to other statements about such areas meeting their own needs.



### **Question 9**

Do you agree that national policy should make clear that Green Belt does not need to be reviewed or altered when making plans, that building at densities significantly out of character with an existing area may be considered in assessing whether housing need can be met, and that past over-supply may be taken into account?

#### **Suggested response**

The recognition that there may be circumstances where an authority is not able to accommodate its growth is welcomed. However, it is not clear as to whether in the event that an authority is not able to meet its need, whether this unmet need will then need to be accommodated by other authorities as is currently the case under the proposed 'alignment policy' (see further consideration of this below).

In terms of other potential circumstances that could justify not being able to meet an area's needs, are environmental factors such as the impact of nutrient neutrality or where there are significant areas of importance for nature conservation purposes, such as Sites of Special Scientific Interest or Areas of Special Conservation (for example, the River Mease).

The Council welcomes the proposal to allow previous over provision to be factored in to assessing future requirements, but notes that clarification and further guidance is required urgently in order to avoid delaying the new Local Plan which the Council is preparing or resulting in abortive work.

### **Question 10**

Do you have views on what evidence local planning authorities should be expected to provide when making the case that need could only be met by building at densities significantly out of character with the existing area?

#### **Suggested response**

No comment

- 6.18 It is proposed to simplify and amend the tests of 'soundness' through which plans are examined, so that they are no longer required to be 'justified'. Instead, the Examination would assess whether the local planning authority's proposed target meets need so far as possible, takes into account other policies in the Framework, and will be effective and deliverable, subject to producing evidence to justify the proposed approach. It is proposed to introduce this change in Spring 2023. However, it is not proposed to apply to plans that reach pre-submission consultation (i.e. Regulation 19) within three months of the introduction of this change (or where a plan has been submitted).

#### **Comment**

- 6.19 The tests of soundness are currently that a plan must be:
- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other

authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

6.20 It is proposed to delete b). It is also proposed to amend a) to state:

*“providing a strategy which seeks to meet the area’s objectively assessed needs so far as possible, taking into account the policies in this Framework”*

6.21 Both of these proposed changes are highly significant and would reduce the burden upon local authorities in terms of the amount of evidence required (a stated aim of the government) and would potentially help to make evidence more proportionate, because at the present time there is a risk of challenge to plans at Examination or through the courts. On the face of it the inclusion of the words “as a far as possible” in a) would provide an authority to with greater flexibility, but presumably there would still be some expectation that an authority would be required to produce sufficient, robust evidence to support a plan which sought to meet less than an areas identified need and so its impact in terms of reducing any burden would be lessened to some degree. Again, clarification is required on this.

6.22 These changes would apply to the new Local Plan as it would not have proceeded as far as Regulation 19 by mid-2023.

6.23 It is likely that these proposals will be strongly resisted by the development sector and so may not survive in their current form. For now, preparation of the Local Plan will continue on the basis as currently set out in the NPPF.

#### **Question 11**

Do you agree with removing the explicit requirement for plans to be ‘justified’, on the basis of delivering a more proportionate approach to examination?

#### **Suggested response**

The proposed change is welcomed. However, clarification is required in respect of what evidence an authority would need to provide in order to demonstrate that seeking to meet less than an areas identified need was appropriate. It would also help if government was to provide guidance on the evidence base which councils need to prepare for their local plans.

#### **Question 12**

Do you agree with our proposal to not apply revised tests of soundness to plans at more advanced stages of preparation? If no, which if any, plans should the revised tests apply to?

Suggested response

No comments

***Delivering the urban uplift***

- 6.24 It is proposed to retain the urban uplift introduced in December 2021 which saw the Leicester City requirement increase by 35% and which then resulted in a Statement of Common Ground to address the issue of unmet need which was considered by this Council in September 2022. However, it is proposed to include a new paragraph in to the NPPF to state:

*“The Standard Method incorporates an uplift for those urban local authorities in the top 20 most populated cities and urban centres. This uplift should be accommodated within those cities and urban centres themselves unless it would conflict with the policies in this Framework and legal obligations.”*

- 6.25 As part of The Bill it is proposed to remove the Duty to Cooperate. It will be replaced with an “alignment policy” which will be the subject of guidance as part of further revisions at a future date to the NPPF (see comments at paragraph 11.3 in relation to question 45). The consultation notes that there is sometimes minimal distinction between areas that are part of one of the 20 urban uplift authorities and neighbouring authorities. The consultation is seeking views on how such authorities should consider their role in meeting the needs of an uplift authority.

Comment

- 6.26 The proposed wording of the NPPF reflects the wording in the Planning Practice Guidance which states “*This increase in the number of homes to be delivered in urban areas is expected to be met by the cities and urban centres themselves, rather than the surrounding areas, unless it would conflict with national policy and legal obligations*”. As such it does not represent a significant change.
- 6.27 The abolition of the Duty to Cooperate has been long heralded. Until further guidance is issued regarding the proposed “alignment policy”, it is difficult to comment how significant its abolition will be in reality. In any event, the government should be encouraged to publish such guidance as soon as possible.
- 6.28 The comments about the lack of distinction between those urban areas subject to the uplift (which includes Leicester City) suggests that it is the government’s intention that it is immediate neighbouring authorities that should meet any unmet need. Clarification on this is required as the Statement of Common Ground for Leicester and Leicestershire distributes the Leicester City unmet housing need across the whole of the Leicester and Leicestershire Housing Market Area. In doing so it has had regard to the functional relationship between each authority and Leicester City by looking at commuting and migration patterns. This demonstrated that in the case of North West Leicestershire there was a somewhat limited relationship. This is reflected in the initial uplift to this Council’s housing requirement (52 dwellings out of an overall increase of 314 dwellings). However, the Statement of Common Ground then went on to consider other aspects, including the relationship between housing and economic growth. It is this aspect that has driven the increased housing requirement in North West Leicestershire and would continue to be a factor in setting

any housing irrespective of the SoCG. This is considered further at section 16 of this report.

**Question 13**

Do you agree that we should make a change to the Framework on the application of the urban uplift?

**Suggested response**

The Council welcomes the proposed change which reflects the existing Planning Practice Guidance.

**Question 14**

What, if any, additional policy or guidance could the department provide which could help support authorities plan for more homes in urban areas where the uplift applies?

**Suggested response**

More clarity is required regarding the government's expectations of where it intends that any unmet needs from large urban areas should be met. For example, should it be in those authorities that adjoin such areas and which are possibly part of a wider urban area or is it at the housing market area level?

**Question 15**

How, if at all, should neighbouring authorities consider the urban uplift applying, where part of those neighbouring authorities also functions as part of the wider economic, transport or housing market for the core town/city?

**Suggested response**

It is considered that government needs to be clear about how it sees the urban uplift issue being addressed. In Leicester and Leicestershire, the issue of unmet need from Leicester City has been addressed on a Housing Market Area basis. In doing so the authorities have had regard to economic growth across the HMA. This has resulted in a very significant increase in growth for North West Leicestershire, even though it does not share a common boundary with the City. This makes it difficult to explain to our communities as to why we are expected to take so much of the City's unmet need. If it is the government's intention that in the first instance it is those authorities that adjoin those areas subject to the uplift who should help address any unmet need, then this should be made clear.

***Enabling communities with plans already in the system to benefit from changes***

- 6.29 The government recognises that any changes to emerging plans which are necessary may result in delays in getting an up-to-date plan in place. To reduce the risk of communities being exposed to speculative development, it is proposed that where emerging local plans have been submitted for examination or where they have been subject to a Regulation 18 or 19 consultation AND which included both a policies map and proposed allocations towards meeting housing need, those

authorities will benefit from a reduced housing land supply requirement. This will be a requirement to demonstrate a four-year supply of land for housing, instead of the usual five. These arrangements would apply for a period of two years from the point that these changes to the Framework take effect, since our objective to provide time for review while incentivising plan adoption.

#### Comment

- 6.30 Assuming that this change is agreed and is effective from Spring 2023 this would not apply to this Council because whilst Regulation 18 consultation has taken place, it has not included a policies map and allocations.

#### **Question 16**

Do you agree with the proposed four-year rolling land supply requirement for emerging plans, where work is needed to revise the plan to take account of revised national policy on addressing constraints and reflecting any past over-supply? If no, what approach should be taken, if any?

#### **Suggested response**

The Council supports the proposed approach, although notes that it would not apply to the Council.

#### **Question 17**

Do you consider that the additional guidance on constraints should apply to plans continuing to be prepared under the transitional arrangements set out in the existing Framework paragraph 220?

#### **Suggested response**

The Council supports anything that provides clarity and hence consistency of approach.

#### ***Taking account of permissions granted in the Housing Delivery Test (HDT)***

- 6.31 The Housing Delivery Test (HDT) is an annual measurement of housing delivery used by the government. Under the HDT an authority is required to have completions that are equal to at least 95% of the authority's annual requirement over the preceding three years. Where this is not the case then an authority has to produce an action plan to show how it will address the shortfall.
- 6.32 The last figures for 2021 were published in January 2022 and the figure for North West Leicestershire was 227% (i.e. the number of homes required in the preceding three years was 954 dwellings but in actual fact some 2,169 dwellings were delivered).
- 6.33 Changes are proposed to the HDT in order that authorities are not penalised due to slow delivery as a result of developer behaviour. This would 'switch off' the application of 'the presumption in favour of sustainable development' in the NPPF as a consequence of under-delivery, where a local planning authority can demonstrate that there are 'sufficient' deliverable permissions to meet the housing requirement set out in its local plan. Sufficient permissions would be set at 115% of the housing

requirement. So, for example, if the housing requirement was 1,000 dwellings over the forthcoming five-years then an authority would need to show that there were sufficient deliverable permission totalling 1,150 dwellings.

- 6.34 The consultation document seeks views on what should count as a deliverable permission.

Comment

- 6.35 In principle this could be a positive change. However, the requirement to demonstrate the availability of deliverable permissions equal to 115% of the housing requirement in effect adds in a 15% buffer, but as noted at paragraph 5.2 as part of the reforms to the five-year housing land supply it is proposed to abolish the need for buffers. There is, therefore, an inconsistent approach.
- 6.36 If government decides to implement this proposal there needs to be clarity about what constitutes a deliverable permission. In this respect, the NPPF currently defines what a deliverable site is. It would seem reasonable to use this as the basis for any assessment. However, it would help if further guidance were published to address the issue of where a site has outline permission what evidence would be required to demonstrate that a site is deliverable.
- 6.37 It should be noted that it is likely that developers will use the 115% figure to push for a flexibility allowance of 15% as part of local plans. This Committee has previously agreed a flexibility allowance of 10%, so there is a risk that this might need to be increased. A flexibility allowance of 15% would add an additional 602 dwellings to the residual requirement.

**Question 18**

Do you support adding an additional permissions-based test that will 'switch off' the application of the presumption in favour of sustainable development where an authority can demonstrate sufficient permissions to meet its housing requirement?

Suggested response

In principle the Council supports this proposed change. However, for the reasons outlined in response to question 19 has concerns about the details of the proposal.

**Question 19**

Do you consider that the 115% 'switch-off' figure (required to turn off the presumption in favour of sustainable development Housing Delivery Test consequence) is appropriate?

Suggested response

The Council considers that the requirement to demonstrate 115% of deliverable permissions is inappropriate. It is contradictory to proposals elsewhere in the consultation document to remove such buffers when assessing five-year land supply and simply increases the pressure to unnecessarily release additional land for development.

In the event that it is decided to implement the proposal, then whatever figure is used needs to be adequately justified. It is noted that the consultation document refers to work undertaken by the government, but it would be helpful if this data could be published in the interests of transparency.

**Question 20**

Do you have views on a robust method for counting deliverable homes permitted for these purposes?

**Suggested response**

It would seem sensible to use the definition of deliverable that is currently used in the NPPF. However, in order to ensure a consistent approach, further guidance is required to address, for example, issues such as where a site has outline permission what evidence would be required to demonstrate that a site is deliverable.

- 6.38 The consultation is seeking views on whether the test's consequences should follow from the publication of the 2022 Test or if they should be amended, suspended until the publication of the 2023 Housing Delivery Test, or frozen to reflect the 2021 Housing Delivery Test results while work continues on our proposals to improve it.

**Question 21**

What are your views on the right approach to applying Housing Delivery Test consequences pending the 2022 results?

**Suggested response**

In order to avoid confusion whilst transitioning to the new approach, it is considered that results should either be frozen at 2021 or suspended.

**7 CHAPTER 5 – A PLANNING SYSTEM FOR COMMUNITIES**

- 7.1 The consultation highlights that it is important that the planning system delivers the right type of homes required by communities, not just the number. A number of proposals are put forward for effect from Spring 2023.

***More homes for social rent***

- 7.2 It is proposed to change the NPPF to make clear that local planning authorities should give greater importance in planning for Social Rent homes, when addressing their overall housing requirements in their development plan and making planning decisions.

***More older people's housing***

- 7.3 It is proposed to add an additional specific expectation in the NPPF that ensures that the needs of older people are met, with particular regard given to retirement housing, housing-with-care and care homes, which are important typologies of housing that can help support an ageing population.

## Comment

- 7.4 The Council's evidence demonstrates that the need for social rented properties is high. The available evidence also shows that the population of the district is ageing. The suggested changes are to be welcomed as it will be potentially easier to persuade applicants to include such provision. However, a key issue in terms of securing social rented properties is the impact upon site viability. The consultation is silent on the issue of viability and unless the current approach is changed it is difficult to see how the aim of securing more social rented properties will be achieved in reality.

### **Question 22**

Do you agree that the government should revise national planning policy to attach more weight to Social Rent in planning policies and decisions? If yes, do you have any specific suggestions on the best mechanisms for doing this?

#### **Suggested response**

The Council supports the proposed change as it will help to address issues relating to affordability. It will also help to offset the potential impact of First Homes to reduce the number of social rented properties that can be secured. However, it is noted that the consultation is silent on the issue of viability. Unless the current advice regarding viability is amended, it is difficult to see how the aim of securing more social rented properties will be achieved in reality.

Consideration should also be given to other means to ensure that sufficient Social Rented properties are delivered by Registered Providers, for example through a reduction in grant to Registered Providers who do not sufficiently prioritise the provision of social rented properties in new schemes.

It is noted that no changes are currently proposed to the NPPF in respect First Homes to reflect the Written Ministerial Statement. It would be helpful to do so.

### **Question 23**

Do you agree that we should amend existing paragraph 62 of the Framework to support the supply of specialist older people's housing?

#### **Suggested response**

The Council supports the proposed change. However, it is noted that the consultation is silent on the issue of viability. Unless the current advice regarding viability is amended, it is difficult to see how the aim of securing more social rented properties will be achieved in reality. In addition, consideration should be given to other means of helping to meet the needs of older persons other than through the planning system. For example, the use of schemes such as Leasehold Scheme for the Elderly which supports downsizing and so releases larger properties on to the housing market which could benefit families.

### ***More small sites for small builders***

- 7.5 Paragraph 69 of the existing NPPF sets out that local planning authorities should identify land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant



plan policies, that there are strong reasons why this 10% target cannot be achieved. In addition, the NPPF encourages the use of various tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward. However, government is of the view that more needs to be done and so is seeking views on how this could be achieved.

#### Comment

- 7.6 Offices have been looking at this issue as part of the Local Plan review and achieving a 10% figure is going to be very challenging. The Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) includes a number of sites of less than 1 hectare. However, some of these are in unsustainable locations whilst others are often subject to technical constraints, such as access, which makes development difficult to achieve whilst maintaining viability. Government needs to recognise these challenges, particularly in areas which are largely rural and where public transport is poor and adopt a more flexible approach which emphasis the need for local evidence rather than an arbitrary target such as the 10% currently enshrined in the NPPF.

#### **Question 24**

Do you have views on the effectiveness of the existing small sites policy in the National Planning Policy Framework (set out in paragraph 69 of the existing Framework)?

#### Suggested response

The current approach is a one-size-fits-all which does not provide sufficient flexibility to take account of local circumstances. For example, the Council's Strategic Housing and Economic Land Availability Assessment (SHELAA) includes a number of sites of less than one hectare. However, some of these are in unsustainable locations, whilst others are often subject to technical constraints, such as access, which makes development difficult to achieve whilst maintaining viability. Government needs to recognise these challenges, particularly in areas which are largely rural and where public transport is poor and adopt a more flexible approach which emphasis the need for local evidence rather than an arbitrary target such as the 10% currently enshrined in the NPPF.

#### **Question 25**

How, if at all, do you think the policy could be strengthened to encourage greater use of small sites, especially those that will deliver high levels of affordable housing?

#### Suggested response

As set out in responses to question 24, the government needs to recognise the challenges that exist in other aspects of government policy which restrict the supply of small sites. Consideration needs to be given to relaxing viability requirements on small sites. In addition, consideration should be given to relaxing the deliverability criteria on such sites, as this discourages local authorities from allocating such sites in view of the risk that such allocations are found to not satisfy the test of soundness at local plan examinations.

### ***More community-led developments***

- 7.7 The government want to encourage a greater role for community-led housing groups. Therefore, it is proposed to strengthen the NPPF to make sure there is more emphasis on the role that community-led development can have in supporting the provision of more locally-led affordable homes. It is proposed to amend the that the definition of affordable housing be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes.
- 7.8 The government is seeking views on whether the existing rural exceptions policy is acting as a barrier to community groups or if there are any broader changes required to the exceptions policy.

#### **Question 26**

Should the definition of “affordable housing for rent” in the Framework glossary be amended to make it easier for organisations that are not Registered Providers – in particular, community-led developers and almshouses – to develop new affordable homes?

#### **Suggested response**

Any change in the definition of affordable housing must be balanced against the need to ensure that the interests of tenants of such properties are not undermined by ensuring that any such providers are appropriate and accountable. Need to ensure that registration for smaller niche providers is straightforward. Any developments should be of a suitable quality.

#### **Question 27**

Are there any changes that could be made to exception site policy that would make it easier for community groups to bring forward affordable housing?

#### **Suggested response**

A key barrier to community groups is likely to be the cost of acquiring land, rather than any policy issues. Consideration should be given to other means of providing financial assistance for such groups if they are to be successful.

#### **Question 28**

Is there anything else that you think would help community groups in delivering affordable housing on exception sites?

#### **Suggested response**

See response to question 27. In addition, community groups could be encouraged to work in partnership with Registered Providers who could then receive additional funding from Homes England in recognition of their support.

**Question 29**

Is there anything else national planning policy could do to support community-led developments?

**Suggested response**

No comments

7.9 The government recognises that the vast majority of developers and landowners abide by the rules of the planning system. However, there are instances where this is not the case. Therefore, government has set out two options to enable authorities to take account of past irresponsible behaviour in determining planning applications.

- Option 1 would make such behaviour a material consideration when determine planning applications.
- Option 2 would allow authorities to decline to determine applicants submitted by such developers.

7.10 Any change would require primary legislation and so would be sometime before it could be introduced.

**Question 30**

Do you agree in principle that an applicant's past behaviour should be taken into account into decision making?

**Question 31**

Of the two options above, what would be the most effective mechanism? Are there any alternative mechanisms?

**Suggested response to Q30 and Q31**

There would need to be very clear guidance as to what constitutes irresponsible behaviour, over what period of time would such behaviour have to of occurred and who determines whether such irresponsible behaviour has occurred.. If such guidance is not provided there is a high risk that whichever option was taken forward would result in legal challenges either from developers who have been deemed to acting irresponsibly or from those seeking to stop development.

***More build out***

7.11 The government wants sites to be built out as quickly as possible once permission is granted. To this end it is proposing a number of measures:

- Government data will be published on developers of sites over a certain size who fail to build out according to their commitments.
- Developers will be required to explain how they propose to increase the diversity of housing tenures to maximise a development scheme's absorption rate (i.e., the rate at which homes are sold or occupied).
- Delivery will become a material consideration in planning applications.

### **Question 32**

Do you agree that the three build out policy measures that we propose to introduce through policy will help incentivise developers to build out more quickly? Do you have any comments on the design of these policy measures?

#### **Suggested response**

Whilst worthy aims and actions, it is difficult to see how these measures are likely to lead to an increase in provision. There will be a need for clarity on matters such as what constitutes a commitment by a developer. In respect of delivery being a material consideration, there will be a need for guidance from government as to what evidence would be required to support an authority wishing to cite this as a reason for refusal, otherwise it will be an issue debated at appeals and/or result in legal challenges. For example, a change in the economic climate could impact upon deliverability of sites, but this is a matter beyond the control of the developer (or local authority).

## **8 CHAPTER 6 – ASKING FOR BEAUTY**

### ***Ask for beauty***

- 8.1 A number of changes are proposed to the NPPF in respect of ensuring that new development is beautiful, building on the work of the Building Better, Building Beautiful Commission. These changes include encouraging local planning authorities to consider how they can ensure that planning conditions associated with applications reference clear and accurate plans and drawings which provide visual clarity about the design of development, as well as clear conditions about the use of materials where appropriate, so they can be referred to as part of the enforcement process. In addition, it is proposed to include reference to encouraging mansard roofs “*as an appropriate form of upward extension ... where appropriate*”.

#### **Comment**

- 8.2 These measures are part of an ongoing drive by the government to improve the quality of new developments, partly to make new development more acceptable. The reference to mansard roofs is considered to be too specific for what is national guidance.

### **Question 33**

Do you agree with making changes to emphasise the role of beauty and placemaking in strategic policies and to further encourage well-designed and beautiful development?

#### **Suggested response**

The Council welcomes efforts to further improve the quality of new developments, something the Council has been pursuing successfully for a number of years. However, there needs to be a recognition that this is just one element when considering proposals for development and there are also other competing priorities, such as addressing climate change, which requires a balanced approach.

**Question 34**

Do you agree to the proposed changes to the title of Chapter 12, existing paragraphs 84a and 124c to include the word 'beautiful' when referring to 'well-designed places', to further encourage well-designed and beautiful development?

**Suggested response**

No comments

***Refuse ugliness***

- 8.3 It is proposed to amend the NPPF to encourage local planning authorities to consider how they can ensure that planning conditions associated with applications reference clear and accurate plans and drawings which provide visual clarity about the design of development, as well as clear conditions about the use of materials where appropriate, so they can be referred to as part of the enforcement process.

**Question 35**

Do you agree greater visual clarity on design requirements set out in planning conditions should be encouraged to support effective enforcement action?

**Suggested response**

The Council supports efforts to improve clarity and already ensures that conditions refer to appropriate plans. It is important that Planning Inspectors are empowered to refuse poorly designed schemes if local aspirations are to be met.

***Embracing gentle density***

- 8.4 The government recognises that building upwards in a managed way can help to provide new homes. The government wants to encourage a well-designed upward extension, but cites the example of authorities refusing proposals for mansard roofs (i.e. where a mansard typically sits behind and parapet and is characterised by two slopes, the lower steep and the upper shallow).

**Question 36**

Do you agree that a specific reference to mansard roofs in relation to upward extensions in Chapter 11, paragraph 122e of the existing framework is helpful in encouraging LPAs to consider these as a means of increasing densification/creation of new homes? If no, how else might we achieve this objective?

**Suggested response**

The Council questions whether it is appropriate to include reference to something as specific as mansard roofs in national guidance.

## 9 CHAPTER 7 – PROTECTING THE ENVIRONMENT AND TACKLING CLIMATE CHANGE

### *Delivering biodiversity net gain and local nature recovery*

- 9.1 This section outlines a number of provisions in the Environment Act 2021, including biodiversity net gain and local nature recovery strategies. The government recognises the concern that developers or landowners may game the system of biodiversity net gains and is looking at ways to ensure this does not happen. The government is also looking to identify ways in which policy can be strengthened and how small-scale changes can be made to support biodiversity and wildlife. More guidance on these is promised.

#### **Question 37**

How do you think national policy on small scale nature interventions could be strengthened? For example, in relation to the use of artificial grass by developers in new development?

#### **Suggested response**

The NPPF currently says very little about the issue of biodiversity net gain. It would be beneficial to ensure that the NPPF reflects the Environment Act provisions and gives greater weight to the role of biodiversity in new developments, particularly onsite provision and the role of local nature recovery strategies as means to identify local priorities. The environmental objective at paragraph 8(c) of the NPPF could be strengthened through reference to net gain. However, the government needs to recognise that the need for net gain could impact site viability for smaller schemes and therefore, guidance is required to help authorities achieve an appropriate balance between deliverability and net gain.

### *Recognising the food production value of farmland*

- 9.2 A change to the NPPF is proposed regarding the consideration that should be given to the relative value of agricultural land for food production, where significant development of higher quality agricultural land is demonstrated to be necessary, compared to areas of poorer quality land. It is proposed to amend footnote 67 to state:

*“Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.”*

#### **Comment**

- 9.3 The former Ministry of Agriculture, Fisheries and Food (MAFF) historically helped to provide agricultural land quality assessments which assisted in assessing the relative merits of sites. Unless it is proposed to do something similar then this proposed change is a cause for concern and there will be a need for government to provide greater clarity. For example, what is meant by food production (i.e. is it just arable farming or also livestock farming?), what is meant by availability and how are we expected to make a judgement. The latter point has the potential to add in a significant amount of work when comparing sites as part of the local plan process

and could result in delays, bearing in mind that a considerable amount of time and resource has already been expended assessing potential sites.

### **Question 38**

Do you agree that this is the right approach making sure that the food production value of high value farm land is adequately weighted in the planning process, in addition to current references in the Framework on best most versatile agricultural land?

#### **Suggested response**

The Council is of the view that the proposed change adds a significant degree of complexity and also risk to the Local Plan process, particularly at a time when the Council has already expended a considerable amount of time and resource assessing potential sites. For example, it will be necessary to compare the relative agricultural merits of different pieces of land, something the Council is not best placed to do. Consideration should be given as to how government can assist local authorities undertake such assessments and what guidance can be made available. For example, what is meant by food production (i.e. is it just arable farming or also livestock farming?) and what is meant by availability.

### ***Climate change mitigation: exploring a form of carbon assessment***

- 9.4 The consultation is seeking views on whether effective and proportionate ways of deploying a broad carbon assessment exist, including what they should measure, what evidence could underpin them such as Local Area Energy Plans, and how they may be used in a plan-making context or as a tool for assessing individual developments.

#### **Comment**

- 9.5 An understanding of the impact of new development in terms of carbon emissions is a complex area which also has the potential to be resource intensive, particularly for smaller authorities such as North West Leicestershire. Therefore, any steps that can be taken to standardise the approach, both in policy making and ultimately decision making on planning applications, would be welcomed.

### **Question 39**

What method or measure could provide a proportionate and effective means of undertaking a carbon impact assessment that would incorporate all measurable carbon demand created from plan-making and planning decisions?

#### **Suggested response**

The Council supports any steps that can be taken to standardise the approach to carbon impact assessments, both in policy making and ultimately decision making on planning applications.

### ***Climate adaptation and flood-risk management***

- 9.6 This section outlines a number of initiatives that have been, or are being, undertaken by government, including changes to the Planning Practice Guidance. It also

highlights other possible aspects that could provide better climate change adaptation, including the provision of green infrastructure in new development.

**Question 40**

Do you have any views on how planning policy could support climate change adaptation further, specifically through the use of nature-based solutions that provide multi-functional benefits?

**Suggested response**

Both the NPPF and the Planning Practice Guidance are currently silent on the issue of nature-based solutions, so some reference to them including examples would be helpful. In particular, such measures need to be integrated into the design of a development from the outset, rather than being seen as an add on or nice thing to do. If national policy reflected these principles it would assist local authorities when working with developers.

**10 CHAPTER 8 – ONSHORE WIND AND ENERGY EFFICIENCY**

***Enabling the repowering of existing onshore wind turbines***

- 10.1 It is proposed to amend paragraphs 155 and 158 of the NPPF to support proposals to repower existing onshore wind sites (i.e. replacing old turbines with more powerful and efficient turbines).

**Question 41**

Do you agree with the changes proposed to Paragraph 155 of the existing National Planning Policy Framework?

**Question 42**

Do you agree with the changes proposed to Paragraph 158 of the existing National Planning Policy Framework?

**Suggested response**

This change appears to be sensible, particularly at a time of an energy crisis and a need to move to more sustainable sources of energy.

***Introducing more flexibility to plan for new onshore wind deployment***

- 10.2 Current guidance stresses the need for local support for proposals for wind turbines. A change to the NPPF is proposed which would retain this principle. The consultation refers to footnote 54, but it appears to be footnote 63. Rather than any proposal having to “fully” address the planning impacts on a local community, the test would be amended to “satisfactorily” and the proposal would need “community support” rather than have “their backing”.
- 10.3 An additional footnote 62 is proposed to state:

*Wind energy development involving one or more turbines can be granted through Local Development Orders, Neighbourhood Development Orders and Community*



*Right to Build Orders, if it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.*

**Question 43**

Do you agree with the changes proposed to footnote 54 of the existing National Planning Policy Framework? Do you have any views on specific wording for new footnote 62?

**Suggested response**

It is assumed that the reference to existing footnote 54, should be footnote 63. It is on this basis that the Council advises that it supports the suggested change, although it would be helpful to provide advice as to what constitutes Community Support and what is the difference between Community Backing and Community Support? The Council has no comments in respect of proposed footnote 62.

***Barriers to energy efficiency***

- 10.4 It is proposed to introduce a new paragraph to the NPPF which supports efforts to make energy efficiency improvements to buildings by requiring significant weight being given to improving energy performance. It also makes it clear that such proposals affecting conservation area or listed buildings should take account of other policies in the NPPF regarding heritage matters.

**Question 44**

Do you agree with our proposed Paragraph 161 in the National Planning Policy Framework to give significant weight to proposals which allow the adaptation of existing buildings to improve their energy performance?

**Suggested response**

The Council supports the proposed change, particularly as it makes clear that proposals affecting a conservation area or listed building will also need to have regard to advice elsewhere in the NPPF on these matters.

**11 CHAPTER 9 - PREPARING FOR THE NEW SYSTEM OF PLAN-MAKING**

- 11.1 The Bill contains various measures which, the government believes, will enable plans to be produced more quickly, including requiring plans to be simpler. The consultation sets out a proposed timeline for moving to the new system. This is summarised at Appendix A of this report.

***Giving time to finalise and adopt plans already in development before the reformed plan-making system is introduced***

- 11.2 The government recognises that much of the new guidance will impact upon local plans that are currently in production. The consultation outlines proposals for the transition to the new system of plan making. Provision is made so that plans in production up to 30 June 2025 will be done under existing arrangements. It should be

noted that this means that the Duty to cooperate will still apply to the new Local Plan. The examination of plans will be required to be completed by 21 December 2026.

#### Comment

- 11.3 A firm timetable for the preparation of the new Local Plan has yet to be confirmed, although the intention is to aim to submit the plan in mid/late 2024, well in advance of the mid-2025 dates highlighted above.

#### **Question 45**

Do you agree with the proposed timeline for finalising local plans, minerals and waste plans and spatial development strategies being prepared under the current system? If no, what alternative timeline would you propose?

#### Suggested response

The Council is satisfied that the proposed timeline is appropriate.

#### ***Setting out the timeline for preparing local plans, spatial development strategies, minerals and waste plans and supplementary plans under the reformed system***

- 11.4 Under the reformed system the Council will be required to start work on a new plan by, at the latest, five years after adoption of their previous plan, and to adopt that new plan within 30 months. Other provisions are designed to protect authorities that have already commenced a review within the first 30 months of the new system, as a result on an Inspector's recommendation.

#### **Question 46**

Do you agree with the proposed transitional arrangements for plans under the future system? If no, what alternative arrangements would you propose?

#### Suggested response

The Council is satisfied that the proposed arrangements are appropriate.

#### ***Neighbourhood Plans***

- 11.5 It is proposed that neighbourhood plans submitted for examination after 30 June 2025 will be required to comply with the new legal framework. 'Made' neighbourhood plans prepared under the current system will continue to remain in force under the reformed system until they are replaced.

#### **Question 47**

Do you agree with the proposed timeline for preparing neighbourhood plans under the future system? If no, what alternative timeline would you propose?

Suggested response

The Council is satisfied that the proposed arrangements are appropriate.

***Supplementary planning documents***

- 11.6 As part of the reforms under The Bill it will no longer be permissible to prepare Supplementary Planning Documents (SPD). Instead, authorities will be able to prepare Supplementary Plans, which will be afforded the same weight as a local plan. It is proposed that when the new system comes into force (expected late 2024), existing SPDs will remain in force for a time-bound period. For authorities working towards the 30 June 2025 deadline and they miss it, their SPDs will expire 30 months after that date i.e. at the end of December 2027.

**Question 48**

Do you agree with the proposed transitional arrangements for supplementary planning documents? If no, what alternative arrangements would you propose?

Suggested response

Whilst noting it is a proposal in The Bill, the Council is of the view that no longer being able to produce Supplementary Planning Documents is a retrograde step which will limit the Council's ability to respond to changing circumstances quickly. Changes in national policy (for example the introduction of First Homes) sometimes means that councils have to produce additional guidance for the benefit of applicants and other interested parties. It is not clear as to how this would be addressed under the new system. Supplementary Planning Documents also allow for the provision of more guidance than is possible in a local plan and there is a risk that local plans will become even longer documents and hence slow down the process, contrary to the government's wishes.

**12 CHAPTER 10 – NATIONAL DEVELOPMENT MANAGEMENT POLICIES**

- 12.1 The Bill proposes to introduce National Development Management Policies (NDMP). This chapter justifies this approach and in particular notes that such policies "*would cover planning considerations that apply regularly in decision-making across England or significant parts of it, such as general policies for conserving heritage assets, and preventing inappropriate development in the Green Belt and areas of high flood risk*".
- 12.2 The intention would be that "*They would not impinge on local policies for shaping development, nor direct what land should be allocated for particular uses during the plan-making process. These will remain matters for locally-produced plans*". However, the Bill would preclude new plans from including policies which duplicate or are inconsistent with NDMP.
- 12.3 The Bill also provides that NDMP would take precedence where there is conflict between them and development plan policies when making a decision on a planning application.
- 12.4 The consultation identifies three broad categories of NDMP:

- Existing policies aimed at decision-making already provided within the National Planning Policy Framework,
- Selective new additions to reflect new national priorities
- Selective new additions to close 'gaps' where existing national policy is silent on planning considerations that regularly affect decision-making across the country (or significant parts of it).

12.5 Any NDMP would be subject to three guiding principles:

- Cover only matters that have a direct bearing on the determination of planning applications;
- Limited to key, nationally important issues commonly encountered in making decisions on planning applications; and
- solely addressing planning issues, in other words that concern the development and use of land (for example they would not consider matters covered by Building Regulations).

12.6 The consultation makes it clear that any draft NDMP will be subject to full public consultation.

12.7 The intention is to set out NDMP in a separate document to the NPPF, with the NPPF refocussed on principles for plan-making. Consultation on the NDMP will be undertaken once The Bill has completed its passage through Parliament.

12.8 The diagram at Appendix B of this report is taken from the consultation and illustrates how NDMP would work with other components of the development plan.

#### Comment

12.9 The introduction of NDMP does have the potential to save time and resources when preparing Local Plans as it will avoid the necessity to 'reinvent the wheel'. However, it is important that these do not impinge upon the need for local flexibility. It will be particularly important that government has regard to the fact that areas across the country differ greatly and what might be an issue in London (for example), may not be an issue elsewhere.

#### **Question 49**

Do you agree with the suggested scope and principles for guiding National Development Management Policies?

#### **Suggested response**

The Council recognises that National Development Management Policies do have the potential to save time and resources. However, it is important that any National Development Management Policies do not inhibit local flexibility in those matters of most importance to our local communities.

#### **Question 50**

What other principles, if any, do you believe should inform the scope of National Development Management Policies?

Suggested response

It is essential that any National Development Management Policies are clear and concise to avoid uncertainty for all concerned.

- 12.10 In terms of gaps, the consultation highlights a number of examples where NDMP might be appropriate. These are set out at Appendix C of this report.

**Question 51**

Do you agree that selective additions should be considered for proposals to complement existing national policies for guiding decisions?

Suggested response

Further guidance is always welcomed, but it is essential that any such guidance is clear so as to avoid confusion rather than create uncertainty.

**Question 52**

Are there other issues which apply across all or most of England that you think should be considered as possible options for National Development Management Policies?

Suggested response

No comments

**13 CHAPTER 11 – ENABLING LEVELLING UP**

- 13.1 This chapter sets out a number of areas where changes to national planning policy might be made in the future under as part of the government's ambitions set out the Levelling Up White Paper to drive economic growth and boost productivity, pay, jobs and living standards, especially in those places where they are lagging.
- 13.2 The White Paper sets out, amongst other things, 12 Missions to Level Up the UK. These are set out at Appendix D of this report.
- 13.2 To this end the consultation seeks any and all bold, innovative ideas through which the planning system can deliver these ambitions.

Comment

- 13.3 Many of the twelve missions are not matters which can be directly addressed through the planning system, but instead relate to matters such as government funding.

**Question 53**

What, if any, planning policies do you think could be included in a new framework to help achieve the twelve levelling up missions in the Levelling Up White Paper?

Suggested response

No comments

### ***Levelling up and boosting economic growth***

13.3 It is proposed that future revisions to the NPPF will align more closely with the visions of Levelling Up White Paper and to help authorities to attract new business investment in their areas. This will include:

- Ensuring local plans support new business investment;
- Support sectors that will drive up productivity
- Spread financial capital and investment

#### **Comment**

13.4 The NPPF section on the economy is very short at only ten paragraphs split over two areas (Building a strong, competitive economy and Ensuring the vitality of town centres). This contrasts with twenty paragraphs on housing. There is scope for more specific guidance regarding what the government sees as key sectors, including any emerging sectors (for example, those associated with renewable energy) and how planning might help to address such needs.

#### **Question 54**

How do you think that the framework could better support development that will drive economic growth and productivity in every part of the country, in support of the Levelling Up agenda?

#### **Suggested response**

At the present time the NPPF says relatively little about the economy, in contrast with say housing. However, economic growth is fundamental to securing a successful future for the country and communities. There is scope for more specific guidance regarding what the government sees as key sectors, including any emerging sectors (for example, those associated with renewable energy) and how planning might help to address such needs.

13.4 As part of the review of the NPPF the government wants to make sure that national planning policies are fully supportive of gentle densification of urban centres, especially outside London and the south east and are seeking suggestions for wider proposals for boosting existing planning policies on brownfield land.

#### **Question 55**

Do you think that the government could go further in national policy, to increase development on brownfield land within city and town centres, with a view to facilitating gentle densification of our urban cores?

#### **Suggested response**

Any densification of new development needs to be balanced against the need to create attractive and beautiful places.

### ***Levelling up and boosting pride in place***

- 13.5 Chapter 8 of the existing NPPF sets out that, “*planning policies and decisions should aim to achieve healthy, inclusive and safe places*” and also “*planning policies and decisions should promote public safety and take into account wider security and defence requirements.*” The government is seeking views on whether if national planning policy should do more to enable local authorities to consider the safety of women and girls, and other vulnerable groups, when setting policies or making decisions.

#### Comment

- 13.6 The current NPPF wording could be expanded to provide an indication as to the type of issues that policies might need to address to ensure that places are safe. However, issues such as whether streetlights are lit is not a planning matter.

#### **Question 56**

Do you think that the government should bring forward proposals to update the framework as part of next year’s wider review to place more emphasis on making sure that women, girls and other vulnerable groups in society feel safe in our public spaces, including for example policies on lighting/street lighting?

#### Suggested response

The NPPF currently says very little about safety. It is not totally clear what government has in mind in its suggestion, but as this Council is progressing the preparation of its new local plan, it is essential that any revised guidance is published as soon as possible to minimise disruption to the plan. It would be helpful if the NPPF provided an indication as to the type of issues that policies might need to address to ensure that places are safe. However, it needs to be recognised that some issues (such as whether streetlights should be lit) are not a consideration for planning.

### **14 CHAPTER 12 - WIDER CHANGES TO NATIONAL PLANNING POLICY IN THE FUTURE**

- 14.1 This chapter sets out areas where changes to national planning policy are likely to be needed to reflect the Bill and other aspects of government policy.
- 14.2 There are no specific questions relating to this section.

### **15 CHAPTER 13 - PRACTICAL CHANGES AND NEXT STEPS**

- 15.1 This chapter outlines the government’s ambitions to maximise the use of technology to improve accessibility. It also highlights that National Planning Policy for Waste and Planning Policy for Traveller Sites sit alongside the NPPF and so consideration will be given as to how these matters will set out in the future.

#### **Question 57**

Are there any specific approaches or examples of best practice which you think we should consider to improve the way that national planning policy is presented and accessed?

Suggested response

The use of digital tools is supported, provided that this does not have cost implications for local authorities.

**Question 58**

We continue to keep the impacts of these proposals under review and would be grateful for your comments on any potential impacts that might arise under the Public Sector Equality Duty as a result of the proposals in this document.

Suggested response

No comments

**16 WHAT DO THESE CHANGES MEAN FOR THE NEW LOCAL PLAN?**

- 16.2 At this stage what the government has published are its proposals for change, some of which will take effect (subject to government decisions) in Spring 2023 whilst others are more long term. There is no guarantee that all the proposals will be taken forward.
- 16.3 Potentially the most significant changes are those that relate to the issue of housing requirements. These can be summarised as:
- Retention of the standard method as an “*advisory starting point*” for calculating housing requirements
  - Potential use of alternative methods, where there are exceptional circumstances
  - Retention of the urban uplift
  - Ability to take into account past over delivery
  - Changes to the test of soundness, including a plan no longer needing to be justified and meeting “*the area’s objectively assessed needs so far as possible*”.
- 16.4 The Committee will recall that the housing requirement as part of the new Local Plan has been set at 686 dwellings each year (13,720 dwellings over the plan period 2020-40), based on the Statement of Common Ground.
- 16.5 If the proposed changes were carried forward it would potentially be possible to use an alternative method where there are exceptional circumstances. Officers are of the view that such exceptional circumstances do not currently exist.
- 16.6 In fact, evidence commissioned from the same consultants (Iceni) who prepared the Housing and Economic Needs Assessment that informed the Statement of Common Ground supports the requirement of 686 dwellings. This evidence was commissioned to test whether there would be a need to increase the housing requirement over and above the Statement of Common Ground figure as a result of the Freeport proposals which would increase job provision in the district, in anticipation of such suggestions from objectors.



- 16.7 The study concluded that “*planning on the basis of 686 dpa. is sufficient to meet housing need and accommodate jobs growth associated with the Freeport. It would also provide the potential to improve the balance between housing and jobs within the District ...*”. A copy of the report can be viewed [here](#) .
- 16.8 Whilst the study was commissioned for a different purpose, its conclusions are equally applicable to considering whether there would be any justification to lower the housing requirement from that identified in the Statement of common Ground. There would not.
- 16.9 The other potential significant change relates to the possibility of taking in to account previous over provision in the current Local Plan.
- 16.10 For the period from 2011-2020 (the start date for the new Local Plan) the number of new dwellings which have been built is 5,490. This compares to a requirement of 4,329 dwellings. This is a an additional 1,161 dwellings.
- 16.11 If it were possible to take this into account when confirming the requirement for the new Local Plan (686 dwellings each year which equates to 13,720 dwellings over the plan period 2020-40), then the overall requirement would decrease to 12,559 dwellings.
- 16.12 Allowing for completions and projected completions as well as an additional 10% flexibility allowance would reduce the residual requirement (as at April 2022) from 6,681 dwellings to about 5,500 dwellings. This is clearly a significant difference. However, further clarification is required from government as to how it sees this matter operating before any decision can be made in respect of this issue.
- 16.13 Having regard to the above, it is proposed that no change be made to the previously agreed housing requirement of 686 dwellings each year, but that the matter be kept under review as and when the government make any final decisions.

| <b>Policies and other considerations, as appropriate</b> |  |
|--|--|
| Council Priorities:                                      | <ul style="list-style-type: none"> <li>- Supporting Coalville to be a more vibrant, family-friendly town</li> <li>- Support for businesses and helping people into local jobs</li> <li>- Developing a clean and green district</li> <li>- Local people live in high quality, affordable homes</li> <li>- Our communities are safe, healthy and connected.</li> </ul> |
| Policy Considerations:                                   | The proposals outlined in the consultation have the potential to have a fundamental impact upon the Council’s Local Plan, which is currently being reviewed.   |
| Safeguarding:  | No issues identified   |
| Equalities/Diversity:                                    | No issues identified   |

|                                    |  |
|------------------------------------|--|
| Customer Impact:                   | No issues identified   |
| Economic and Social Impact:        | No issues identified   |
| Environment and Climate Change:    | No issues identified   |
| Consultation/Community Engagement: | No issues identified   |
| Risks:                             | <p>The proposals set out in the consultation have potential resource implications for the Council.</p> <p>Depending upon the timing of any changes, there could be an impact upon the Local Plan review in terms of its scope, content and look. If transition arrangements are not put in place or are not robust, there is a risk that current work on the review could be jeopardised or lost. This matter will need to be kept under review.</p> |
| Officer Contact                    | <p>Ian Nelson<br/> Planning Policy Team Manager<br/> 01530 454677<br/> <a href="mailto:ian.nelson@nwleicestershire.gov.uk">ian.nelson@nwleicestershire.gov.uk</a></p>  |

## APPENDIX A

11 May 2022, Levelling Up and Regeneration Bill is introduced.

Spring 2023, Subject to Parliamentary approval, Levelling Up and Regeneration Bill receives Royal Assent.

November 2024, Expected earliest date when LPAs with a plan which is more than 5 years old must begin new plan-making process.

30 June 2025, Cut-off date for old-style plans to be submitted for examination. The consultation makes clear that these will be done under the existing legal framework , including the Duty To Cooperate

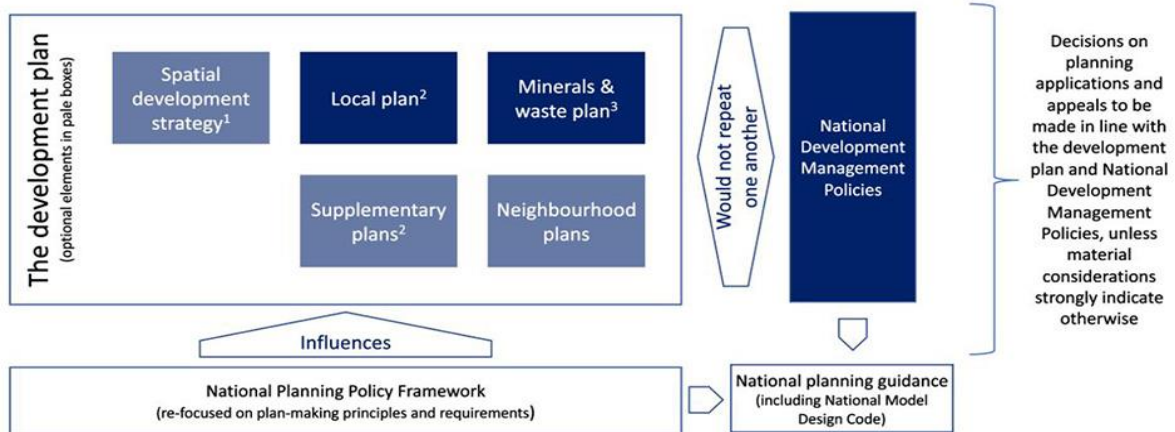
October 2026, Earliest date that the first new-style examinations commence.

31 December 2026, Latest date for any old-style local and minerals and waste plans to be adopted (or in the case of Strategic Development Strategies, published).

April 2027, First new-style plans are adopted.

31 December 2031, Latest date when LPAs must begin the new style plan-making process (if their previous plan was adopted on 31 December 2026).

**The role of plans and national policy in the reformed system**  
 (elements with full statutory weight in decisions on applications shown in blue)



- 1 Mandatory where SDS powers have been conferred on Mayoral/combined authorities; voluntary elsewhere.
- 2 A **district-wide design code** must form part of the local plan, or else be contained in a supplementary plan. The local plan will also be informed by an **Infrastructure Delivery Strategy**, to be produced by the local planning authority, and by any **Neighbourhood Priorities Statements** produced by neighbourhood planning groups in the area.
- 3 Minerals and waste can be covered in separate documents, and can be combined with the local plan where an authority has powers over both.

## APPENDIX C

| Topic                                      | Rationale for including  |
|--|--|
| Carbon reduction in new developments       | A national policy on carbon measurement and reduction could set a baseline whilst enabling authorities to set further measures in their own plans based on parameters set in national policies, perhaps through an optional technical standard to allow for consistency and sound decision making. Chapter 7 of this prospectus outlines our thinking on how national policy could go further on the environment and climate change.   |
| Allotments                                 | A policy issue that has relevance across many authorities who seek to protect this land use against development. This may not require an individual National Development Management Policy but, instead, might be incorporated into a wider policy on protection of green spaces.  |
| Housing in town centres and built-up areas | National policy does not currently contain a policy explicitly encouraging or supporting the development of housing in built-up areas that are accessible and connected by sustainable transport modes. Local plans frequently contain this sort of policy, so creating a National Development Management Policy for this could help standardise expectations across the country and deliver more housing in suitable areas. This could be included in a general policy about housing on brownfield land, space above shops, or town centres (potentially building upon the paragraph 86(f) of the existing National Planning Policy Framework). |

## APPENDIX D

### The 12 Missions to Level Up the UK

1. By 2030, pay, employment and productivity will have risen in every area of the UK, with each containing a globally competitive city, with the gap between the top performing and other areas closing.
2. By 2030, domestic public investment in Research & Development outside the Greater South East will increase by at least 40% and at least one third over the Spending Review period, with that additional government funding seeking to leverage at least twice as much private sector investment over the long term to stimulate innovation and productivity growth.
3. By 2030, local public transport connectivity across the country will be significantly closer to the standards of London, with improved services, simpler fares and integrated ticketing.
4. By 2030, the UK will have nationwide gigabit-capable broadband and 4G coverage, with 5G coverage for the majority of the population.
5. By 2030, the number of primary school children achieving the expected standard in reading, writing and maths will have significantly increased. In England, this will mean 90% of children will achieve the expected standard, and the percentage of children meeting the expected standard in the worst performing areas will have increased by over a third.
6. By 2030, the number of people successfully completing high-quality skills training will have significantly increased in every area of the UK. In England, this will lead to 200,000 more people successfully completing high-quality skills training annually, driven by 80,000 more people completing courses in the lowest skilled areas.
7. By 2030, the gap in Healthy Life Expectancy (HLE) between local areas where it is highest and lowest will have narrowed, and by 2035 HLE will rise by 5 years.
8. By 2030, well-being will have improved in every area of the UK, with the gap between top performing and other areas closing.
9. By 2030, pride in place, such as people's satisfaction with their town centre and engagement in local culture and community, will have risen in every area of the UK, with the gap between the top performing and other areas closing.
10. By 2030, renters will have a secure path to ownership with the number of first-time buyers increasing in all areas; and the government's ambition is for the number of non-decent rented homes to have fallen by 50%, with the biggest improvements in the lowest performing areas.
11. By 2030, homicide, serious violence, and neighbourhood crime will have fallen, focused on the worst-affected areas.
12. By 2030, every part of England that wants one will have a devolution deal with powers at or approaching the highest level of devolution and a simplified, long-term funding settlement.