

Residential development of up to 135 dwellings, access,
infrastructure and public open spaces (Outline)

Report Item No
A1

Land At Swebstone Road Heather Coalville Leicestershire
LE67 2RE

Application Reference
16/00967/OUTM

Applicant:
Rosconn Strategic Land

Date Registered:
8 August 2016

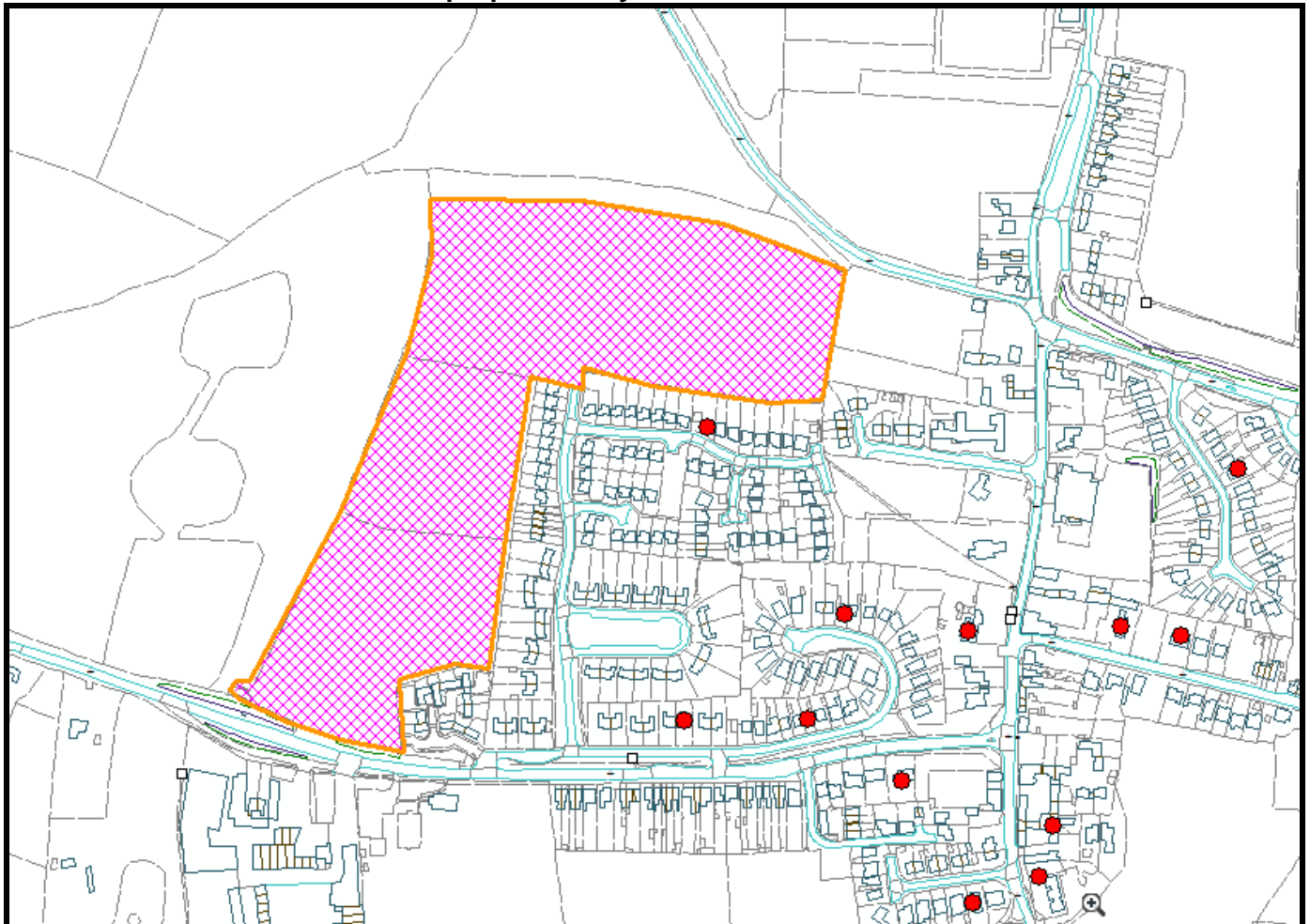
Case Officer:
Robert McKillop

Consultation Expiry:
8 September 2016

Recommendation:
REFUSE

8 Week Date:
7 November 2016
Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application has been called to the Planning Committee on the grounds of significant public interest.

Proposal

This application sought outline planning permission for residential development of up to 135 dwellings, access, infrastructure and public open space with part access included at land north of Swebstone Road, Heather. Following the lodging of an appeal against the application's non-determination, the Local Planning Authority is required to establish what its decision would have been, had it had the opportunity to determine the application.

Consultations

A total of 160 public representations have been received objecting to the application. Heather Parish Council also objects to the development. All other statutory consultees have raised no objections subject to conditions.

Planning Policy

The application site lies outside the Limits to Development as defined in the adopted and submitted North West Leicestershire Local Plans. The application has also been assessed against the relevant policies in the NPPF and other relevant guidance.

Conclusion

As set out in the main report, although a smaller proposed development of 36 dwellings on the southern part of the site was considered to have a less harmful impact, this application proposes the development of 135 dwellings which would wrap around a significant part of the north western edge of Heather. The entirety of the site would be outside the limits to development and the significantly large scale would result in the unnecessary and unwarranted development of greenfield land in the countryside. Whilst there are some economic and social benefits associated with the development, when taking into account the scale and impacts upon the character and appearance of this part of the countryside, it is considered that the proposed development would result in significant environmental harm. The resulting harm from these impacts would significantly and demonstrably outweigh the social and economic benefits and overall the proposal would not represent sustainable development, contrary to the policies and intentions of the NPPF.

RECOMMENDATION - HAD THE LOCAL PLANNING AUTHORITY HAD THE OPPORTUNITY TO DETERMINE THE APPLICATION, IT WOULD HAVE BEEN REFUSED.

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

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for residential development of up to 135 dwellings, access, infrastructure and public open space with part access included at land north of Sweystone Road, Heather. The site measures 6.7 hectares and is located to the north western edge of the existing settlement. The application site is situated outside the defined Limits to Development and is currently utilised for agriculture.

An indicative layout plan, has been submitted showing a vehicular access on to Sweystone Road and dwellings are shown to wrap around the north western corner of the existing settlement edge, with an attenuation pond and landscaping being provided around the northern and western boundaries.

A design and access statement, heritage statement, Building for Life 12 assessment, soils and agricultural report, flood risk assessment, ecology appraisal, tree survey, transport assessment and draft heads of terms have been submitted in support of the application.

No relevant planning history was found.

At the time of preparing this report the appeal against non-determination had been lodged by the applicant and as such, the Local Planning Authority will be required to advise the Planning Inspectorate what its decision would have been, had it had the opportunity to determine the application, and the purpose of reporting the application to Planning Committee is, therefore, to establish what that decision would have been.

2. Publicity

110 neighbours notified.

Site Notice displayed 18 August 2016.

Press Notice published Leicester Mercury 24 August 2016.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

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

- The village school and pre-school are at capacity with a shortage of space and staff which would be detrimental to education provision;
- There is no bus service in Heather and children attending school in Ibstock have to walk or be driven to school. A bus service would allow people to access services in Ibstock more easily although these are also stretched to capacity;
- A further 99 dwellings are proposed in a second phase of development which would significantly increase vehicle movements, contrary to the submitted Highways Report;
- There would be a detrimental impact on the main roads in the village which will be made more dangerous for members of the public;
- More trees should be planted between existing houses for shading;
- The application disregards the submitted Local Plan which states Heather is a sustainable village where limited growth will take place within the limits to development - the site is outside limits and is not "limited development";
- There is concern that the sewerage system could not accommodate this development;
- Occupiers of the development would be close to an industrial estate opposite the site.

Leicestershire County Council - Archaeology has no objections.

Leicestershire County Council - Developer Contributions requests a contribution of £247,794.66 towards the education sector, a contribution of £4,070.00 towards library services and a contribution of £8,826.00 towards civic amenity.

Leicestershire County Council - Ecology has no objections subject to conditions.

Leicestershire County Council - Footpaths has no objections subject to conditions.

Leicestershire County Council - Highways has no objections subject to conditions and contributions.

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

National Forest Company has no objections subject to adequate woodland planting and landscaping being secured by way of condition.

NHS Leicester, Leicestershire and Rutland requests a contribution of £67,787.28 towards the healthcare sector.

NWLDC - Conservation Officer has no objections to the principle of development.

NWLDC - Environmental Protection has no objections subject to conditions.

NWLDC - Footpaths Officer has no objections subject to no impact on rights of way.

NWLDC - Head of Leisure no representation received.

NWLDC - Street Management has no objections.

NWLDC - Urban Designer has no objections subject to conditions.

Police Architectural Liaison Officer no representation received.

Severn Trent Water has no objections subject to conditions.

Third Party Representations

160 letters of objection to this application have been received which are summarised as follows:

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- The character of the village would be overwhelmed by the proposed development and the scale of development is contrary to the local plan;
- Draft Local Plan states limited growth is appropriate for Heather;
- The site is outside the limits to development;
- The development if approved would set precedent for development of other sites in Heather;
- There is inadequate employment opportunity in the village to sustain new dwellings;
- There is enough local housing and affordable social housing available in Heather provided by the David Taylor development;
- Heather Primary School and Ibstock High School are already oversubscribed;
- The main road through Heather is already busy and is too narrow to cope with increased traffic

and further traffic surveys are required;

- The development is opposite a local play area and will result in danger to road users and cause negative health impacts from pollution;
- Ibstock Doctors Surgery is struggling to accommodate new patients and service will suffer and the financial contribution is not likely to address this;
- The site is within the National Forest and is used for locals and tourists for recreation and dog walking;
- Views within the village would diminish and its character would be affected;
- The developer has marked the site Grade 3a Agricultural Land although it is Grade 2 Land which is essential for crops and according to the submitted Local Plan should be "less likely to be used for development";
- The ecological survey submitted does not accurately reflect the flora and fauna present on the site and birds, hares, insects and various other species would be affected;
- The development would affect existing residential amenity;
- Drainage is blocked;
- Noise, dust and other impacts will occur during construction;
- There are limited shops and services in the village and new residents would depend on their car contrary to the NPPF;
- The industrial site opposite and events at Cattows Farm could cause health/amenity problems to future occupiers;
- The character for users of the existing right of way across the site would be affected;
- A small part of the site is of archaeological interest.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

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

Save where stated otherwise, the policies of the adopted Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

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

- Paragraph 7 (Achieving sustainable development)
- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 17 (Core planning principles)
- Paragraph 28 (Supporting a prosperous rural economy)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 34 (Promoting sustainable transport)
- Paragraph 47 (Delivering a wide choice of high quality homes)
- Paragraph 49 (Delivering a wide choice of high quality homes)
- Paragraph 57 (Requiring good design)
- Paragraph 59 (Requiring good design)
- Paragraph 60 (Requiring good design)
- Paragraph 61 (Requiring good design)
- Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)

Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 109 (Conserving and enhancing the natural environment)
Paragraph 112 (Conserving and enhancing the natural environment)
Paragraph 118 (Conserving and enhancing the natural environment)
Paragraph 123 (Conserving and enhancing the natural environment)
Paragraph 124 (Conserving and enhancing the natural environment)
Paragraph 131 (Conserving and enhancing the historic environment);
Paragraph 132 (Conserving and enhancing the historic environment);
Paragraph 134 (Conserving and enhancing the historic environment);
Paragraph 141 (Conserving and enhancing the historic environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (Planning conditions and obligations).

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy F1 - National Forest General Policy
Policy F2 - National Forest Tree Planting
Policy F3 - National Forest Landscaping and Planting
Policy T3 - Highway Standards
Policy T8 - Parking
Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design
Policy H8 - Affordable Housing
Policy L21 - Children's Play Areas

Other Policies

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. The weight to be attached by the decision maker to this submitted version should be commensurate to the stage reached towards adoption.

S1 - Future housing and economic development needs
S2 - Settlement Hierarchy
S3 - Countryside
D1 - Design of new development
D2 - Amenity
H4 - Affordable Housing
IF1 - Development and Infrastructure
IF4 - Transport Infrastructure and new development
IF7 - Parking provision and new development
En1 - Nature Conservation
En3 - The National Forest
He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Cc2 - Flood risk

Cc3 - Sustainable Drainage Systems

North West Leicestershire District Council Affordable Housing SPD

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

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

North West Leicestershire District Council Play Area Design Guidance SPG

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

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

5. Assessment

Principle and Sustainability

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2002 (as amended)).

The application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan, or Policy S3 of the submitted Local Plan.

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

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given to whether the proposals constitute sustainable development (inclusive of its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

In respect of social sustainability, some representations have been received which assert that Heather is not socially sustainable, however the District Council considers Heather to be a sustainable settlement for new residential development given the range of services available, including a shop, primary school and nursery, public houses, church and recreation ground as well as some limited employment uses at Dawsons Yard and along Mill Lane. It is also recognised that Policy S2 of the submitted Local Plan, which can be attached some weight in the decision making process, highlights that Heather is a 'Sustainable Village' where a limited amount of growth will be permitted within limits to development. The provision of pedestrian routes into the site, as proposed, would also ensure these services are accessible on foot particularly as they would be within an acceptable walking distance. The applicant is also proposing to fund the extension of the Coalville to Ibstock bus service for a period of five years, which would need to be secured by way of legal agreement. Stops are proposed at Sweystone Road, Main Street and Pisca Lane. This would also enhance the social sustainability

credentials of the development and Heather generally although it is noted that this bus service would only be secured on a temporary basis.

Having regard to the location of the site it is considered that residents of the proposed development would have access to local services which would meet their day to day needs (e.g. a shop), with other facilities and employment opportunities being accessible on foot. In these circumstances it is considered that a development of 135 dwellings would score well against the advice concerning social sustainability contained within the NPPF, with future residents also assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

From a social perspective the development would provide 135 dwellings including 41 affordable properties which would contribute to the housing needs of different groups in the community. It is accepted that the development has potential to make some contribution to the economic dimension by virtue of the growth associated with the proposed development (as would be expected from any residential scheme).

In terms of environmental sustainability the land is agricultural and is greenfield land. The site is outside the defined Limits to Development and therefore the 'principle' of the proposal is in direct conflict with Policies S3 of the adopted and submitted Local Plans. It is also noted that whilst Policy S2 of the submitted Local Plan identifies that Heather as a sustainable village, it does specify that any 'growth' should be proposed on land within the Limits to Development. Such policies are considered to be supported by the principles of the NPPF and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

However, as highlighted above, given that the NPPF does not necessarily preclude development on greenfield land any determination would need to be made as to whether the proposed dwellings would impact adversely on the rural environment as specified at Paragraph 17 of the NPPF.

Although a smaller proposed development of 36 dwellings on the southern part of the site was considered to have a more acceptable impact, the development of the 135 dwellings proposed under this application would wrap around a significant part of the north western edge of Heather and the entirety of the site would be outside the limits to development. The significantly large scale of this development would result in the unnecessary and unwarranted development of land in the countryside which would be contrary to the advice in the NPPF. It is also noted that two public footpaths intersect the site with a further footpath adjacent to the north western boundary and given the scale, the development would be visually prominent from all aspects within the surrounding area. As such, it is considered that the landscape and visual impact of up to 135 dwellings on the site would be significantly harmful and the proposed development would not be in keeping with the character and appearance of the existing built settlement or the surrounding area.

With regard to issues of scale, the current estimated number of dwellings in Heather is 439 based on 2011 Census data and new housing build monitoring data acquired by the Council. The additional 135 new dwellings proposed under this application would therefore represent an increase of 30.75% on this existing number of dwellings. As noted above, Heather is identified as a Sustainable Village in the submitted Local Plan where a limited amount of growth will take place within the defined Limits to Development. It is noted that the site is entirely outside the Limits to Development and it is considered that an increase of 30.75% would be a significant addition to the existing village and would not represent limited growth contrary to Policy S2 of

the submitted Local Plan.

In conclusion, the proposal would be contrary to Policies S3 of the adopted and submitted Local Plans, as well as Policy S2 of the submitted Local Plan, and would result in significant harm to the rural environment by way of the loss of a greenfield site outside limits to development and an unnecessary intrusion into the rural landscape. The resulting environmental harm from the scale of the proposal would significantly and demonstrably outweigh the social and economic benefits of the scheme. Accordingly, the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered to be acceptable in relation to the development plan or the NPPF.

Density

The net development area of the site is 4.46 hectares and the proposed development would have a density of 30 dwellings per hectare, matching the figure of 30 set out in Policy H6 of the adopted Local Plan for settlements such as Heather. The NPPF states that authorities should set their own approach to housing density to reflect local circumstances and the proposed density is considered appropriate and would accord with Policy H6 of the adopted Local Plan.

Means of Access

All matters are reserved for subsequent approval except for part access. The point of access shown on the submitted plans would be from the north side of Swepstone Road, to the west of David Taylor Close. Whilst the illustrative layout shows internal access roads and provision of pedestrian links to the existing public footpath running across the site, precise details would be dealt with through a subsequent reserved matters application, although their impact on potential accessibility and connectivity of the site still ought to be considered.

The County Highways Authority (CHA) has been consulted on the application and raised no objections subject to the imposition of relevant planning conditions. The suggested planning conditions include off-site highway works for speed reduction measures on Swepstone Road, provision of satisfactory visibility splays and control of surface water in the highway. A construction traffic management plan will also be a requirement to ensure that the development does not result in adverse impacts on the highway.

Although local concern has been expressed with regards to highway safety, Paragraph 32 of the NPPF indicates that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." In the circumstances that the CHA have raised no objections to the proposed access arrangements, it is considered that the development would not have a 'severely' detrimental impact on highway safety as to justify a refusal of the application. On this basis the development would be compliant with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

Neighbours and Future Occupants' Amenities

The impacts on neighbouring occupiers arising from the proposed development would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 135 units could not be provided on the site in a manner which would not significantly adversely impact upon neighbours' amenities.

The application site is located close to the Dawsons Yard industrial estate and although some objections have been received about the potential impacts, it is noted that the application site is on the opposite side of Swepstone Road adjacent to existing residential properties. The District Council's Environmental Protection Team has reviewed the submitted information and has no

objections and it is considered that a residential development could be carried out on the site without future residents suffering any significant noise disturbance. A condition requiring a construction method statement to be submitted would be imposed on any permission granted to ensure an acceptable impact on surrounding neighbours during construction phase.

Overall it is considered that the proposal would not result in significant adverse impacts on health or quality of life and the application would accord with Paragraph 123 of the NPPF, Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Design

The need for good design in new residential development is outlined not only in adopted Local Plan Policies E4 and H7, as well as Policy D1 of the submitted Local Plan, but also Paragraphs 57, 60 and 61 of the NPPF.

The proposed scheme has been assessed by the District Council's Urban Designer, and rated in accordance with the Building for Life 12 criteria which scores on the basis of red/amber/green. The Council's Urban Designer reviewed the initial proposals for up to 135 dwellings and originally had some concerns over the proposal. These concerns included issues regarding the number of units proposed and form of development especially as no illustrative layout was submitted with the original application.

A masterplan has been submitted with the application and it is accepted that the majority of design issues would need to be fully addressed by reserved matters. Suitable conditions and notes to applicant can be provided to indicate that the design concerns would need to be fully addressed as part of any future reserved matters application(s).

Therefore, whilst the scheme in outline cannot be assessed fully against Building for Life, it is considered that it has been demonstrated that, in principle, an appropriate scheme for up to 135 dwellings could be satisfactorily developed on the site.

The application site is not within a Conservation Area and is a significant distance from Heather Hall itself, which is a grade II listed building. It is noted that an area of historic parkland associated with Heather Hall (although no longer within its curtilage) projects north towards Swebstone Road. Although this area of parkland constitutes a non-designated heritage asset, the proposed development would be set significantly away and the Council's Conservation Officer has advised that the development would have a limited harmful effect on the open setting of the historic parkland and accordingly raises no objections.

Overall, it is considered that the development would accord with Paragraphs 131 and 132 of the NPPF, as well as Policy E4 of the adopted Local Plan and Policies D1 and He1 of the submitted Local Plan.

Agricultural Land

Although Natural England's Agricultural Land Classification (ALC) maps categorise the site as 'Very Good' Best and Most Versatile (BMV) land under Grade 2, the agent has confirmed that the land has been assessed and in actuality represents Grade 3a Agricultural Land. Natural England's ALC maps are not sufficiently accurate for assessment of individual fields and therefore the potential loss of agricultural land should be assessed on the basis that the site is Grade 3a.

It is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost (with medium and high impacts defined as those resulting in a

loss of between 20 and 50ha, and those of 50ha above respectively). It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process. A loss of 6.7 hectares of agricultural land is not considered to represent a significant loss and, therefore the scheme is considered to be acceptable in this regard and would not conflict with Paragraph 112 of the NPPF. It is also noted that the proposal would not disrupt the agricultural operations undertaken on the remaining land.

Archaeology

The Leicestershire and Rutland Historic Environment Record (HER) notes that the site is located within an area of archaeological interest. The County Council Archaeologist initially requested systematic field-walking and a programme of evaluation, comprising test-pitting and/or trial trench evaluation, subject to the results of the fieldwalking. The applicant has undertaken this further work during the course of the application with the findings submitted to the County Council Archaeologist for further consideration. The County Council Archaeologist has confirmed that as no significant archaeological deposits or evidence of settlements were encountered within the site boundaries, no further archaeological work is required in relation to the proposed development. No objections were raised and the development is deemed to accord with Paragraph 141 of the NPPF and Policy He1 of the submitted Local Plan.

Flood Risk and Drainage

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

The submitted FRA and drainage strategy indicates that the site is not at significant risk of flooding from surface water runoff from adjacent land or from ground water. The flood risk assessment indicates that a restricted surface water discharge to the tributary of the River Sence flowing along the western boundary of the site represents the preferred method for surface water disposal. In the event that planning permission were granted, conditions would be imposed to ensure that detailed and satisfactory surface water and foul drainage schemes are provided on the site.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is acceptable, and it would be possible to provide for appropriate drainage solutions to accommodate the proposed development. In coming to this conclusion it is noted that the Lead Local Flood Authority raises no objections to the proposed development.

Ecology

The County Council Ecologist has commented on the application and has raised no objections subject to conditions to ensure that vegetation is removed outside the bird nesting season, landscaping to the western boundary involves locally native species only and that an updated badger survey should take place if the development does not commence by May 2017. Conditions in relation to provision of buffer zones along existing hedges and sustainable urban drainage systems have also been requested by the County Council Ecologist. Details of proposed landscaping would be agreed under a subsequent reserved matters application, however subject to suitable conditions, it is considered that the proposed development would have an acceptable impact on ecology and protected species and the application would accord with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the submitted Local Plan.

Landscaping

Given the agricultural nature of the site, there are no mature trees within the site, however there are mature hedgerows around the site boundary. The submitted masterplan shows the site could be developed to maintain a buffer zone adjacent to retained hedgerows to ensure they are suitably protected. The precise layout, along with a scheme of planting and landscaping, represent matters that would be reserved for subsequent approval and it could be ensured at that stage that appropriate planting and protection measures are provided. A note to applicant would be attached to any permission granted in relation to native planting and buffer zones to retained hedgerows and on the basis of the aforementioned considerations, the application would have an acceptable impact on landscaping and is considered to accord with Policy E7 of the adopted Local Plan and Policy En3 of the submitted Local Plan.

Developer Contributions

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

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

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

The requested developer contributions are listed below.

Affordable Housing

The Council's SPD on affordable housing indicates that for developments of this scale in the Heather area, 30% of the units should be provided as affordable housing (i.e. 41 units, assuming the construction of the maximum 135 dwellings as proposed). In terms of tenure split, the District Council's Affordable Housing Enabler advises that a tenure split of 79% affordable rented and 21% shared ownership would be sought and the District Council's Strategic Housing Team is seeking the following:

Affordable Rented - 32

6 x 1 bed 2 person homes @ 45m²
 6x 2 bed 4 person bungalows @ 67m²
 10 x 2 bed 4 person houses @ 67m²
 10 x 3 bed 5 person houses @ 82m²

Shared ownership - 9

4 x 2 bed 4 person houses @ 67m²
 5 x 3 bed 5 person house @ 82m²

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

Transportation Contributions

The County Highway Authority has requested the following developer contributions, required in the interests of reducing highway disruption during construction, encouraging sustainable travel to and from the site, achieving modal shift targets, reducing car use and general highway safety:

- A Construction Traffic Routing Agreement to be submitted to and agreed in writing by the Highway Authority;
- Appointment of a Travel Plan Co-ordinator from commencement of development until 5 years after occupation of the last unit;
- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack);
- 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £350.00 per pass - NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate);
- A Travel Plan monitoring fee of £6,000;
- Provision of bus service for a minimum of five years from first occupation;
- If a reduction in speed limit is not delivered through additional street lighting, the full contribution for a Traffic Regulation Order (TRO) will be required to deliver the change of speed limit

The applicants are agreeable to making these contributions.

Education

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

Primary School Requirements

The site falls within the catchment area of Heather Primary School. The School has a net capacity of 112 and 120 pupils are projected on the roll should this development proceed; a deficit of 32 pupil places. No pupil places at this school are currently funded by S106 agreements for other developments in this area.

There are two other Primary Schools within a 2 mile walking distance of the site, Ibstock Junior and Ibstock St Deny's C of E Primary which have a surplus of 89 places and 11 places respectively (after S106 funded places have been discounted). As there is an overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 68 pupil places, no contribution has been requested for this sector.

High School Requirements

The site falls within the catchment area of Ibstock Community College. The College has a net capacity of 705 and 850 pupils are projected on the roll should this development proceed; a deficit of 145 pupil places. There are 160 pupil places at this school being funded by S106 agreements from other developments in the area to be discounted which reduces the deficit at this school and creates a surplus of 15 pupil places. There are no other high schools within a three mile walking distance of the proposed development and on this basis, an education contribution has not been requested for this sector.

Upper School Requirements

The site falls within the catchment area of Ashby School, which has a net capacity of 1842 and 2046 pupils are projected on roll should this development proceed; a deficit of 204 pupil places. A total of 150 pupil places are being funded at this college from S106 agreements for other developments in this area which need to be discounted and reduces the total deficit to 54 (of which 40 are existing and 14 are generated by this proposed development). There are no other upper schools within a three mile walking distance of the site and an education contribution in

this sector is therefore justified. As such, £247,794.66 is requested which would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ashby School. The applicants are agreeable to making these contributions.

There is some minor clarification being sought from Leicestershire County Council Education department in respect of the capacities of local schools and the requested contributions. Any response received will be reported on the update sheet.

Children's Play Equipment

There is an existing children's play area on the opposite side of Sweystone Road which would be less than 400 metres from the proposed site. As such, no on-site play area is proposed under this application although a contribution towards the maintenance and enhancement of existing recreation and children's play areas within the village will be sought. The precise contribution required would be secured through a S106 agreement and the applicants are agreeable to making these contributions.

Library Services

The proposed development is within a 2 mile walking distance of Ibstock Library and the proposal would impact on local library services in respect of additional pressures on the availability of local library facilities. Therefore, a library contribution of £4,070.00 is requested. The applicants are agreeable to making these contributions.

Civic Amenity

The nearest Civic Amenity Site is located in Coalville. The proposal would impact on this site in respect of additional waste which would not exist but for the proposed development. Therefore, a civic amenity contribution of £8,826.00 is requested. The applicants are agreeable to making these contributions.

National Forest Planting

The application site extends to 6.68ha and the National Forest Company's (NFC) Planting Guidelines, as set out in the Guide for Developers and Planners, expects 20% of the site area to be for woodland planting and landscaping. This would equate to 1.33ha and the submitted Design and Access Statement confirms that open space extending an area of 2.23ha would be provided, including 0.62ha of woodland planting. The NFC have not raised any objections subject to this provision of open space, woodland planting and protection of woodland to the northern and western boundaries, in addition to adequate sustainable drainage features, being incorporated in a subsequent reserved matters application. In the event that planning permission is granted, this would need to be secured by condition or legal obligation.

Subject to the inclusion of relevant conditions and obligations which include, amongst other things, detailed landscaping plans, the National Forest Company raise no objection to the proposed development.

Footpaths

In respect of the footpath diversion, this is considered under separate legislation and a footpath diversion application does not need to be applied for at this time, it is only required when full planning permission is in place i.e. both outline and reserved matters, but would need to be in place prior to the commencement of any development. This is because until a reserved matters application is submitted, the precise route of any diversion is not known and the diversion will need to be in place prior to the commencement of development to ensure that a dwelling or other associated infrastructure is not constructed on the footpath.

Conclusion

As set out in the main report above, the proposal would be contrary to Policies S3 of the adopted and submitted Local Plans, as well as Policy S2 of the submitted Local Plan. Furthermore, the proposed development would have a significantly harmful impact upon the character and appearance of the rural landscape and would represent an incongruous intrusion into the countryside. The resulting environmental harm from these impacts would significantly and demonstrably outweigh the social and economic benefits. Accordingly, the proposal cannot be considered to represent sustainable development and, therefore, the application is not considered to be acceptable in relation to the NPPF.

RECOMMENDATION- Had the Local Planning Authority had the opportunity to determine the application, it would have been REFUSED for the following reason;

- 1 Policy S2 of the submitted Local Plan allows for limited growth within limits to development. Policy S3 of the adopted and submitted Local Plans provide a presumption against residential development outside limits to development with Paragraph 17 of the NPPF also indicating that planning should recognise the intrinsic character and beauty of the countryside. The large scale housing development proposed on this greenfield site would significantly diminish, the present open character and rural appearance of this site. The proposed development would have a significantly harmful impact upon the character and appearance of the landscape and would appear as an unwarranted and incongruous intrusion into the countryside. Approval of the application would result in the unnecessary development of land located outside limits to development, not constituting sustainable development, and contrary to the policies and intentions of the NPPF, as well as Policy S2 of the submitted Local Plan and Policy S3 of the adopted and submitted Local Plans.

Notes to applicant

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