

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

**Report Item No**  
**A1**

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

**Application Reference**  
**13/00908/OUTM**

**Applicant:**

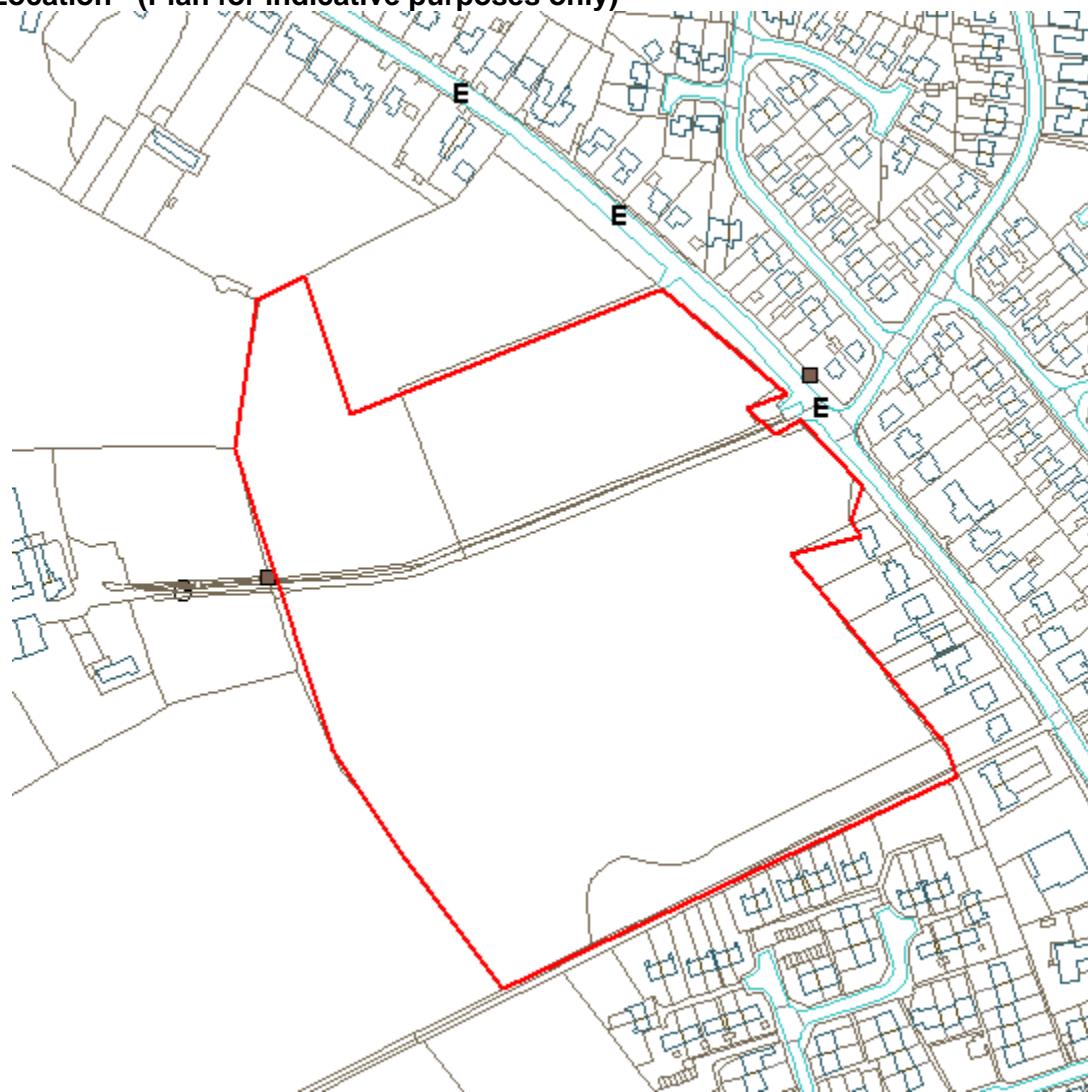
**Date Registered**  
**11 November 2013**

**Case Officer:**  
**Adam Mellor**

**Target Decision Date**  
**10 February 2014**

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

**Site Location - (Plan for indicative purposes only)**



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

## **EXECUTIVE SUMMARY OF PROPOSALS**

**Call In**

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

**Proposal**

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

**Consultations**

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

**Planning Policy**

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

**Conclusion**

As set out in the main report above, although the site is outside Limits to Development, and constitutes greenfield land, its release for housing is considered suitable in principle, particularly having regard to the need to release sites in order to meet the District Council's obligations in respect of housing land supply (and the approach taken in respect of such within the NPPF). Whilst the site is located outside of Limits to Development given its location adjacent to the existing settlement boundary and its associated services, the proposed development would, overall, be considered to constitute sustainable development as defined in the NPPF and, as such, benefit from a presumption in favour of development as set out in the NPPF. It is also considered that the scheme would be well related to the residential built forms on Station Road and Sunnyside and as such would not represent a detrimental encroachment into the rural landscape.

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

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

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

**PLANNING APPLICATIONS- SECTION A**

**responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### **1. Proposals and Background**

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

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

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

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

### **2. Publicity**

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

Site Notice displayed 20 November 2013

Press Notice published 20 November 2013

### **3. Consultations**

Ibstock Parish Council consulted 14 November 2013

Head of Environmental Protection consulted 26 November 2013

LCC Fire and Rescue consulted 14 November 2013

FRCA (MAFF)- loss of agricultural land consulted 14 November 2013

DEFRA consulted 14 November 2013

LCC Development Contributions consulted 29 November 2013

County Archaeologist consulted 20 February 2014

Environment Agency consulted 14 November 2013

Severn Trent Water Limited consulted 14 November 2013

Head of Environmental Protection consulted 14 November 2013

Natural England consulted 14 November 2013

NWLDC Tree Officer consulted 14 November 2013

County Archaeologist consulted 14 November 2013

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

#### **4. Summary of Representations Received**

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

**DEFRA** no consultation response received to date.

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

**FRCA (MAFF)** no consultation response received to date.

**Highways Agency** has no objections.

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

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

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

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

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

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

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

**Natural England** has no objections subject to conditions.

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

**NWLDC - Environmental Protection** has no objections.

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

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

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

**NWLDC - Tree Officer** has no objections.

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

**Severn Trent Water** no consultation response received to date.

#### **Third Party Representations**

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

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

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

## 5. Relevant Planning Policy

### National Planning Policy Framework (NPPF) - March 2012

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

unacceptable impacts through a planning condition;

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

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

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

**North West Leicestershire Local Plan**

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

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

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

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

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

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

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

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

Policy F2 states that the Council will have regard to the existing landscape character of the site and the type of development when seeking new planting;

Policy F3 seeks to secure implementation of agreed landscaping and planting schemes for new development by the imposition of planning conditions and/or the negotiation of a planning agreement;

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

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

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

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

Policy H7 seeks good quality design in all new housing development;

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

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

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

### **Submission Version Core Strategy**

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

### **Other Guidance**

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

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

#### **Leicestershire County Council Statement of Requirement for Developer Contributions in Leicestershire**

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

#### **District Council's Play Area Design Guidance Supplementary Planning Guidance**

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

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

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

Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites;

### **Play Area Design Guidance Note**

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

### **Affordable Housing Supplementary Planning Document**

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

### **National Forest Planting**

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

## **6. Assessment**

### **Principle of Development and Sustainability**

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

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

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

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

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

Whether or not this site would be considered "appropriate" is a matter of judgement; having regard to its location outside Limits to Development. This policy nevertheless sets out criteria relevant to release of land. Insofar as the site's location is concerned, and whilst it is outside Limits to Development, it is well related to the existing built up residential estates (within limits to development) to the east and south of the site, and to a lesser extent the north. In terms of the sustainability credentials of the site, the site is located the following (approximate) distances away from a range of services:

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

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

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

#### *Housing Land Supply*

The NPPF requires that the Council should be able to identify a five year supply of housing land and include an additional buffer of 5% or 20% depending on previous performance in terms of delivery of housing. The appeal decision of May 2013 in respect of land south of Moira Road, Ashby de la Zouch, found that the "Sedgefield" approach should be used and that a buffer of 20% should be allowed for.

On this basis, the District Council's most recent calculations indicate that the Council is only able to demonstrate a supply of 4.70 years (based on the "Sedgefield" approach and a 20% buffer) which represents a shortfall in relation to the requirements of the NPPF.

The consequences of an inability to demonstrate a five year supply are profound. Paragraph 49 of the NPPF advises that "*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites*". Policy S3 of the adopted Local Plan (Limits to Development) is not considered to be a relevant policy for the supply of housing (see the recent judgment in respect of the application to quash the Secretary of State's decision to dismiss the Stephenson Green appeal),

notwithstanding that a contrary view has been taken elsewhere (and including by the Secretary of State on appeal), and accordingly this policy should not be considered out of date. Nevertheless, as the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements up until the end of the Plan Period (i.e. to 2006) less weight should be attributed to any conflict with Policy S3 in the overall planning balance.

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

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to the economic growth associated with the proposed development, coupled with the role played in contributing to housing land supply and the inclusion of appropriate contributions to local services as detailed below, would ensure that the scheme would sit well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, whilst the proposed development would result in the development of land outside of the defined Limits to Development, as set out in more detail below, the proposed development would not result in any unacceptable impacts on the natural, built or historic environment and, by virtue of its location, close to the existing built up development and associated services, would perform well in terms of need to travel and the movement towards a low carbon economy.

#### *Conclusions in respect of the Principle of Development and Planning Policy*

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

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

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

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

#### **Scale of Development and Cumulative Impacts**

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

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

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

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

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

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

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

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

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

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

### **Means of Access and Transportation**

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

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

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

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

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

- Travel Packs to inform new residents from first occupation of what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack);
- Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer) to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £325.00 per pass - NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate);
- Contribution towards equipping the nearest bus stop(s) and suitable bus route with Real Time Information (RTI) system, to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift at a total of £2100.00;
- A monitoring fee of £6000 to enable Leicestershire County Council to provide support to the developers Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure Travel Plan outcomes are being achieved and for it to take responsibility for any necessitated planning enforcement;
- To provide suitable mitigation to help reduce traffic speeds in the vicinity of the access to ensure a safe access, a contribution of £15,000 for traffic calming along Station Road is required.

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

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

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

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

### **Density**

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

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

### **Neighbours' and Future Occupiers' Amenities**

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

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

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

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

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

### **Landscape and Visual Impact and Design**

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. The site is also located within the National Forest and as such Policy F1 of the Local Plan would also be of relevance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Viability of the Development**

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

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

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

The relevant developer contributions are listed below: -

#### *Affordable Housing*

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

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

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

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

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

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

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

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

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

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

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

#### *Transportation Contributions*

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

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

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

*Education*

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

*Primary School Requirements*

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

*High School Requirements:*

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

*Upper School Requirements:*

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

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

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

#### *Libraries*

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

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

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

#### *Civic Amenity*

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

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

#### *Healthcare*

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

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

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

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

#### *National Forest Planting*

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

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

#### *Police*

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

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

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

Whilst officers acknowledge that such requests have been accepted by Inspectors and the Secretary of State as being CIL compliant in some recent appeal decisions in Leicestershire,

and indeed the District (although Inspectors and the Secretary of State have also reached a contrary view on other occasions), and that consistency in decision making is desirable as a matter of policy, a decision as to whether an obligation is directly related to a particular development is one that can only be made on its individual merits.

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

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

#### *NWLDC - Leisure and Cultural Services*

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

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

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

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

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

indicated otherwise above, the proposed obligations would comply with the relevant policy and legislative tests as set out in Circular 05/2005 and the CIL Regulations and are in accordance with Paragraph 204 of the NPPF which states that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

### **Ecology and Trees**

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

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

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

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

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

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

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

### **Flood Risk and Drainage**

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

It is proposed that the surface water strategy for the site would consist of reduced discharge rates from the development site to greenfield QBAR (Mean Annual Maximum Flood (m<sup>3</sup>/s)), storm water attenuation storage via a series of cascading ponds within the public open spaces along the western boundary, surface water drainage as a sustainable urban drainage system (SuDs) treatment train, with the run-off from vehicular areas passing through at least two SuDs elements, and use of permeable paving in new streets, lanes and driveways. Foul drainage would be discharged to the existing mains sewer with it being noted that a Severn Trent Water pumping station exists adjacent to the site entrance.

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

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

### **Archaeology**

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

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

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

### **Loss of Agricultural Land**

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

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

### **Other Matters**

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

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

### **Summary Reasons for Granting Outline Planning Permission**

As set out in the main report above, although the site is outside Limits to Development, and constitutes greenfield land, its release for housing is considered suitable in principle, particularly

having regard to the need to release sites in order to meet the District Council's obligations in respect of housing land supply (and the approach taken in respect of such within the NPPF). Whilst the site is located outside of Limits to Development given its location adjacent to the existing settlement boundary and its associated services, the proposed development would, overall, be considered to constitute sustainable development as defined in the NPPF and, as such, benefit from a presumption in favour of development as set out in the NPPF. It is also considered that the scheme would be well related to the residential built forms on Station Road and Sunnyside and as such would not represent a detrimental encroachment into the rural landscape.

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

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

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

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

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

*Reason - this permission is in outline only.*

- 3 Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the access (save for details of vehicular access into the site from Station Road), appearance, landscaping, layout, and scale shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

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

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

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

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

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

- 6 A total of no more than 142 dwellings shall be erected.

*Reason - to define the scope of the permission.*

- 7 The reserved matters application shall include details of existing and finished ground levels and the proposed floor levels of the dwellings in relation to an existing datum point off the site. The development shall then be carried out in accordance with the approved details.

*Reason - to ensure that the development takes the form envisaged by the Local Planning Authority and in the interests of residential amenities given that no precise details have been provided.*

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

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

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

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

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

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

- 11 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to September inclusive unless otherwise agreed in writing by the Local Planning Authority that breeding birds will not be adversely affected by any works.

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

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

*Reason - to prevent an adverse impact on badgers.*

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

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

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

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

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

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

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

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

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

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

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

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

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

*'Promoting Sustainable Transport' of the NPPF 2012.*

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

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

- 20 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
  - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
  - Contain Movement Permits for all materials taken to and from the site and/or a copy of

- the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

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

- 21 No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
  - The programme for post-investigation assessment;
  - Provision to be made for publication and dissemination of the analysis and records of the site investigation;
  - Provision to be made for archive deposition of the analysis and records of the site investigation;
  - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation;

*Reason - to ensure satisfactory archaeological investigation and recording.*

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

*Reason - to ensure satisfactory archaeological investigation and recording.*

- 23 The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 21 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

*Reason - to ensure satisfactory archaeological investigation and recording.*

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

*Reason - to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.*

## Notes to applicant

- 1 Outline planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.
- 3 This decision is subject to a Section 106 Obligation regarding the following matters: -
  - Contribution towards library facilities;
  - Contribution towards civic amenity facilities;
  - Contribution towards education facilities;
  - Contribution towards health facilities;
  - Contribution towards transport facilities;
  - Provision of on-site affordable housing;
  - Provision of National Forest Planting and Footpath Links to Woodland;
  - Contribution towards S106 monitoring.
- 4 All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager (telephone 0116 3050001).
- 5 If the roads within the proposed development are to be adopted by the Highways Authority, the developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
- 6 Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please email [roadadoptions@leics.gov.uk](mailto:roadadoptions@leics.gov.uk) if you wish to discuss further.
- 7 You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
- 8 The applicant company will be responsible for ensuring that the bridleway and footpath are not affected by any operations associated with the development, and that free access can be exercised safely by users at all times. The rights of way should not be used as a means of access by Contractors' vehicles to the application site.
- 9 If it is necessary for any works associated with the development to be carried out within the confines of the bridleway/footpath, the County Council's consent to these should be

obtained before they are commenced. The applicant should notify the Rights of Way Inspector for the area, Mr S.Daniels, who is based at the Northern Area Highways Office, Mountsorrel (Telephone No. 0116 305 0001).

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