

Erection of 9 dwellings with associated access, turning areas
and car parking.

Report Item No
A2

Land Off Forest Road Coalville Leicestershire

Application Reference
18/00427/FULM

Grid Reference (E) 442699

Grid Reference (N) 313046

Date Registered:

6 April 2018

Consultation Expiry:

23 May 2018

8 Week Date:

6 July 2018

Extension of Time:

8 August 2018

Applicant:

Mr Louis Massarella

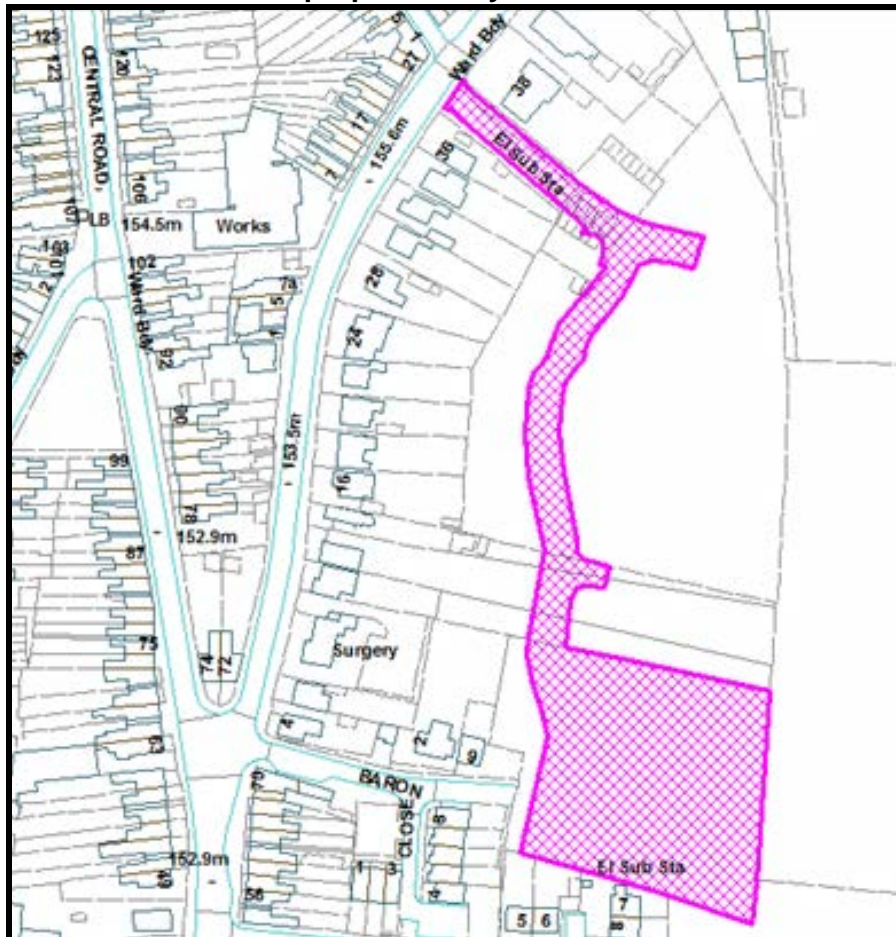
Case Officer:

Adam Mellor

Recommendation:

PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is called in to Planning Committee by Councillor Johnson on the basis that the scheme will provide no affordable housing, residential properties on Peggs Grange will be overlooked and that land levels will be raised.

Proposal

It is proposed that 9 dwellings with associated access, turning areas and car parking will be erected on land off Forest Road, Hugglescote.

Consultations

Objections have been received from third parties as well as Hugglescote and Donington Le Heath Parish Council, but no objections have been received from other statutory consultees who have responded during the consultation process.

Planning Policy

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

Conclusion

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

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

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

RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS AND COMPLETION OF A SECTION 106 AGREEMENT.

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of 9 dwellings with associated access, turning areas and car parking at land off Forest Road, Hugglescote. The 0.66 hectare site is situated on the eastern side of Forest Road where it is within the Limits to Development. Public footpath N85 runs along the eastern boundary of the application site and the surrounding area comprises predominately residential development with properties varying in their type and design.

Planning permission has been granted, and subsequently implemented by the applicant, on land to the north of the application site under application references 15/00032/FULM (30 dwellings) and 16/00798/FUL (8 dwellings) and the proposal under this application would be a continuation of this development with a further nine dwellings being created. It is proposed that the dwellings would comprise seven x 4 bed and two x 3 bed two-storey detached types.

Vehicular access to the site would be gained from the private drive (Choyce Close) created as part of 15/00032/FULM and 16/00798/FUL, whose main access is off Forest Road. Off-street parking for the dwellings would be provided both externally and within integral garages.

A design and access statement, incorporating a Building for Life 12 (BfL12) assessment, affordable housing statement and statement of public consultation, has been submitted in support of the application along with a viability appraisal. The viability appraisal has been independently reviewed by the District Valuer (DV).

The planning history of the site is as follows:

- 15/00032/FULM - Construction of 30 dwellings with associated access and open space - Approved 14th January 2016.
- 16/00797/VCUM - Variation of conditions 2, 3, 9, 11 and 12 of planning permission 15/00032/FULM in order to allow for the erection of 30 dwellings with a revised site layout - Approved 8th March 2017.
- 16/00798/FUL - Construction of 8 dwellings with associated access and turning (extension to site granted planning permission under 15/00032/FULM - Approved 8th March 2017.

2. Publicity

22 Neighbours have been notified.

Site Notice displayed 30 April 2018.

Press Notice published Leicester Mercury 2 May 2018.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Hugglescote and Donington Le Heath Parish Council object to the application on the following grounds:

- The proposed levels and design for the dwellings work against the contours of the land and as such the finished floor levels will be raised so that they are level with the street.
- Adverse impacts to the amenities of residents on Peggs Grange will arise due to changes in the levels.
- Surface water flooding impacts will arise due to topography of the site.

- The applicant is avoiding the payment of affordable housing contributions by submitting applications in stages.

Leicestershire County Council - Archaeology has no objections.

Leicestershire County Council - Developer Contributions have sought a financial contribution towards education.

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

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

Leicestershire County Council - Highways Authority have no objections subject to conditions and financial contributions towards travel packs and bus passes.

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

National Forest Company require a financial contribution towards off-site National Forest planting.

NWLDC - Affordable Housing Officer has outlined that two affordable units would be required as part of the development.

NWLDC - Environmental Protection has no objections.

NWLDC - Footpaths Officer has no objections.

NWLDC - Waste Services have outlined where bin collection points should be located in the circumstances that the highway is largely unadopted.

Severn Trent Water no representation received at the time of this report. Any response received will be reported to Members on the update sheet.

Third Party Representations

Five letters of representation have been received objecting to the application with the comments raised summarised as follows:

- The proposed dwellings will impact on residential amenities given that the land on which they are situated will be is at a higher level so overlooking and overbearing impacts will arise.
- Additional traffic on Forest Road will result in detriment to highway safety.
- It will be important to ensure that land levels are not raised and that appropriate landscaping is provided.
- Recommendations in relation to ecology need to be followed.
- Consideration should be given to limiting the hours of construction.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2018)

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

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraph 34 (Development contributions);
Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
Paragraphs 54, 55, 56 and 57 (Planning conditions and obligations);
Paragraphs 59, 60, 61, 62, 64, 68, 73, 74 and 76 (Delivering a sufficient supply of homes);
Paragraph 98 (Promoting healthy and safe communities);
Paragraphs 105, 106, 108, 109, 110 and 111 (Promoting sustainable transport);
Paragraphs 126, 127, 130 and 131 (Achieving well-designed places);
Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 175, 178, 179 and 180 (Conserving and enhancing the natural environment); and
Paragraph 199 (Conserving and enhancing the historic environment).

Adopted North West Leicestershire Local Plan (2017)

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

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

Other Policies

National Planning Practice Guidance.

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

Leicestershire Highways Design Guide (Leicestershire County Council).

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

5. Assessment

Principle of Development and Sustainability

The site is located within the Limits to Development where the principle of residential development is considered acceptable subject to compliance with relevant policies of the adopted Local Plan and other material considerations. Within the NPPF (2018) there is a presumption in favour of sustainable development and proposals which accord with the

development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

The sustainability credentials of the scheme would need to be assessed against the NPPF and in this respect Policy S2 of the adopted Local Plan highlights that the Coalville Urban Area, of which Hugglescote is part, is the primary settlement in the District where the largest amount of new development will take place.

On the basis of the above, the application site would be considered a sustainable location for new development due to it benefitting from a range of local services and being readily accessible via public transport, as such future residents would not be heavily reliant on the private car to access the most basic of services.

The provision of the housing would result in development on a greenfield site which is not allocated in the adopted Local Plan for such a form of development. Whilst the site is not allocated, and greenfield land is not the most sequentially preferable land on which to provide new development, it is noted that both developments to the north of the site have been undertaken on greenfield land and land to the east of the site (also greenfield) is allocated under Policy H1h of the adopted Local Plan for a residential development of up to 3,500 dwellings (Land North and South of Grange Road, Hugglescote) with a resolution being in place to permit a scheme of 79 dwellings under this allocation (ref: 13/00802/FULM) on land adjacent to the eastern boundary of the site. In this context, as well as taking into account that existing residential properties lie to the south and west of the site and the provision of a wildlife buffer that would protect the ecological significance of the site, it is considered that the loss of the greenfield site would not result in significant conflict with the environmental strand of sustainability enshrined within the NPPF.

Overall there would be no substantial harm to the built and natural environment with any harm being outweighed by the economic benefits associated with the construction of the dwellings and the positive social sustainability aspects of the scheme which would support the move towards a low carbon economy as required by the environmental strand. As a result the proposal would be considered sustainable in accordance with Policy S2 of the adopted Local Plan and the principles of the NPPF.

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

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1, as well as the Council's adopted Good Design for NWLDC SPD, but also Paragraphs 124, 127 and 131 of the NPPF.

At present the application site comprises an area of scrubland which is set to the east of residential properties on Forest Road and Baron Close, north of dwellings on Peggs Grange and south of dwellings on Choyce Close with permission also existing for the creation of a housing development to the immediate east of the site. Within the surrounding area there is a significant variation in the types, heights and scales of residential properties. From a topographical perspective land levels fall from west to east, by around 5 metres, and from north to south, by around 1 metre.

It is noted that the same applicant has received permission for two housing developments (totalling 38 dwellings) on land to the north of the site and these schemes are currently in the process of being built out. During the consideration of these previous applications extensive discussions and negotiations were held with the Council's Urban Designer so as to ensure a

good standard of design was achieved.

The Council's Urban Designer has been consulted as part of this application and initially concerns were raised in relation to how the scheme would address the proposed residential development to the east (permitted under application reference 13/00802/FULM) as well as the ability for pedestrians and cyclists to permeate through the scheme so as to access Forest Road.

Following a site visit it was determined that the topography of the application site in relation to Baron Close and the land to the east would reduce the possibility to provide appropriate pedestrian and cycling links. In addition, a 5 metre ecological buffer strip would be provided between the eastern (side) elevations of plots 5 and 6 and the site boundary, at the request of the County Ecologist, which would further prevent the movement of people in this particular area. Whilst the lack of routes between sites would be a negative, from a design perspective, it is considered that future residents of the proposed development would still benefit from a convenient route to Forest Road via Choyce Close, with occupants of the proposed dwellings to the east being able to utilise public footpath N85 to pedestrian and cyclist links onto Choyce Close which are to be provided in accordance with the permission granted under application reference 15/00032/FULM.

In terms of addressing the proposed residential development to the east of the site, the eastern (side) elevations of plots 5 and 6 have been amended so that habitable room windows and bay windows are installed which ensures that there is visual interest to these elevations whilst also enabling additional surveillance of public footpath N85 to be undertaken. The western (side) elevation of plot 9 has also been amended to provide a window and chimney breast which ensures that views established from Forest Road and Baron Close towards this dwelling do not terminate at a blank elevation, albeit it is accepted that the difference in land levels between the application site and Baron Close limit the extent of the elevation which would be visible. Amendments undertaken to plot 1 and the northern (front) elevation of plot 9 also ensure that these elevations address views established from Choyce Close and enable surveillance of the route into the application site.

With regards to more general compliance with the Council's adopted Good Design SPD, amendments have also been made to ensure that habitable room windows enable surveillance of parking provision to the side of dwellings, that private amenity areas are the equivalent of the foot print of the properties and that a 50/50 balance exists between soft landscaping and off-street parking provision.

The design of the dwellings, and their external materials, are to be consistent with the house types that have been permitted on the schemes to the north of the site and consequently are considered to be appropriate in the context of the environment in which they are set.

Overall the layout, appearance and scale of the development would be acceptable and would ensure compliance with Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD and Paragraphs 124, 127 and 131 of the NPPF.

With regards to housing mix, Policy H6 of the adopted Local Plan outlines that a mix of housing types, sizes and tenures is expected on residential developments proposing 10 dwellings. When determining an appropriate housing mix the information contained within the Housing and Economic Development Needs Assessment (HEDNA) is one of the factors to take into account alongside other criteria as outlined in Part (2) of Policy H6. It is noted that the scheme as originally submitted proposed 10 dwellings whereas it has now been subsequently amended to

only propose 9 dwellings.

It is outlined in the 'Viability of the Development' section of this report below that for the purposes of developer contributions the proposal would be considered as an extension to the developments permitted to the north. Whilst a scheme of 9 dwellings would not ordinarily require the provision of developer contributions it is noted that the development permitted under application reference 16/00798/FUL, for 8 dwellings, was permitted subject to a Section 106 agreement which secured an appropriate level of contributions based on the viability of the scheme. Therefore the approach, in this respect, would be consistent with that previously taken.

Although developer contributions would be sought it is considered that it would not be appropriate to have regard to the overall mix of dwellings on the application site in conjunction with the previously permitted developments given that there was no policy in place which required an appropriate housing mix to be provided when application references 15/00032/FULM and 16/00798/FUL were determined. Therefore, in this instance, there would be no overall justification to resist the development on the basis of Policy H6 particularly as the scheme, as proposed, is below the threshold where Policy H6 would be applicable.

In any event it is noted that criteria (f) of Part (2) of Policy H6 outlines that the 'character and context of the individual site' is one of the considerations to take into account when considering housing mix with Paragraph 122 of the NPPF outlining that in terms of the efficient use of land planning decisions should support development which take into account, amongst other things:

- *"local market conditions and viability" (criteria (b));*
- *"the desirability of maintaining and area's prevailing character and setting (including residential gardens)" (criteria (d)); and*
- *"the importance of securing well-designed attractive and healthy places" (criteria (e)).*

In this respect it is considered that the proposed mix, scale and form of the dwellings would be consistent with the developments permitted to the north and therefore compliant with criteria (f) of Part (2) of Policy H6 as well as the aims of Paragraph 122 of the NPPF. There would also be no justification to seek a higher number of dwellings on the site, in order to make Policy H6 applicable, given that Paragraph 123 of the NPPF only seeks to ensure that residential developments are not built at low densities where there is a shortage of land available for meeting housing needs, this is not applicable in this case as the District Council has a five year housing land supply.

Residential Amenity

In respect of the impacts on the amenities of neighbouring residents it is considered that the properties most immediately affected would be nos. 5, 6 and 7 Peggs Grange to the south, nos. 20, 21, 22, 23, 24 and 25 Choyce Close to the north and nos. 7, 8 and 9 Baron Close, to the west.

Plots 7, 8 and 9 are set to the north of nos. 5, 6 and 7 Peggs Grange and on the basis of the submitted plans separation distances of 21.95 metres would be provided between the northern (side) elevation of no. 7 Peggs Grange and the southern (rear) elevation of plot 8 as well as 27 metres between the northern (rear) elevations of nos. 5 and 6 Peggs Green and the southern (rear) elevation of plot 9. Plot 7 would not sit directly behind the side elevation of no. 7 with plot 8 not being directly behind nos. 5 and 6. In terms of the single storey detached garages for plots 7 and 8 the amended plans for nine dwellings originally showed these to be set 11 metres from the side elevation of no. 7 but following concerns being raised by third parties Officers have been able to secure the relocation of these garages so that a separation distance of 17 metres

would now be provided.

The Council's adopted Good Design SPD outlines that a separation distance of at least 20 metres should be provided between rear elevations (Figure 14 on Page 64 of the adopted Good Design SPD) with a distance of at least 12 metres where the principal window of a habitable room is directed to face the blank wall of a neighbouring dwelling (Figure 13 on Page 64 of the adopted Good Design SPD). Given the above separation distances, as well as the fact that the development is orientated to the north of dwellings on Peggs Grange, it is considered that no adverse overbearing or overshadowing impacts would arise particularly when the development intends to follow the topography of the site. It is also considered that no adverse overlooking impacts would arise given the separation distances between elevations as well as the fact that at least 13 metres would exist between the rear elevations of plots 7, 8 and 9 and what would become shared boundaries with nos. 5, 6 and 7. The separation distance between the northern (side) elevation of no. 7 and the rear elevations of the detached garages to plots 7 and 8 would also be acceptable given that their heights are limited to 5 metres, they are set at a lower land level to that associated with no. 7 and the fact that the roof slopes away from what would become the shared boundary.

The western (side) elevation of plot 9 would be set 23 metres from the eastern (rear) elevation of no. 8 Baron Close and 12 metres from its boundary with a distance of 21.43 metres to the eastern (side) elevation of no. 9 Baron Close and 9.5 metres to its boundary. Taking into account the separation distances advised by the Council's adopted Good Design SPD, outlined above, as well as the fact that properties on Baron Close are situated on higher land it is considered that no adverse overbearing or overshadowing impacts would arise. The only window proposed at first floor level in the western (side) elevation of plot 9 would serve an en-suite and views from the windows in the northern (front) and southern (rear) elevations would only provide oblique views towards nos. 8 and 9 Baron Close, as such no adverse overlooking impacts would arise to the occupants amenities.

Plots 1, 2, 3, 4 and 5 would be situated to the south of nos. 20, 21, 22, 23, 24 and 25 Choyce Close with it being observed on the site that nos. 20 - 25 Choyce Close are set at a higher land level to that of the application site. A minimum separation distance of 20 metres would exist between elevations (plot 1 with no. 20 Choyce Close) with a minimum distance of 11 metres to what would become shared boundaries (plots 3 and 4 with nos. 23 and 24 Choyce Close). As is the case above such separation distances would ensure that no adverse overbearing, overshadowing or overlooking impacts would arise to the amenities of the occupants of these dwellings.

With regards to the new development to the east of the site the submitted layout plan associated with application reference 13/00802/FULM outlines that plots 61, 62 and 63 would be set in close proximity to the application site boundary with plots 61 and 62 being orientated so that their principal elevations face towards the proposed development and plot 63 being orientated so as to present its side elevation to the application site. Plots 5 and 6 on the application site would be set 5 metres from the boundary of the application site associated with application reference 13/00082/FULM. The smallest separation distance between dwellings would be 13.23 metres (the western (front) elevation of plot 63 and the eastern (side) elevation of plot 6) and this is considered acceptable in ensuring that no adverse overbearing or overshadowing impacts would arise when accounting for the topography of the land and the orientation of dwellings.

Windows are proposed to serve habitable room windows at first floor level in the side elevation of plot 6 as well as the principal elevation of plot 63. Given that views from these windows would

be across public footpath N85, as well as a front amenity area to plot 63, it is considered that any overlooking implications would not be of sufficient detriment as to warrant a refusal of the application given that such a relationship is not too dissimilar to that established between the front elevations of dwellings which are separated by areas that are accessible to the public.

On the basis of the above it is also considered that the relationship between the proposed dwellings and existing built forms, as well as between themselves, would be acceptable. The size of the gardens associated with plots 1 - 5 would also ensure that the provision of retaining walls and boundary treatments to nos. 20 - 25 Choyce Close would not result in any sufficiently detrimental overbearing impacts to the amenities of any future occupants of these plots particularly given that they would be aware of such relationships prior to their purchase.

With regards to the suggestion that the construction hours should be limited it is considered that it would be difficult to impose such a condition given that the permissions granted for the development to the north of the site have not been subjected to such a condition and the Council's Environmental Protection Team have not advised that such a condition would be necessary. Should a statutory noise nuisance arise as a result of construction works than the Council's Environmental Protection team could investigate and take action against such a matter under separate Environmental Health Legislation.

Overall the proposal would be considered compliant with Policy D2 of the adopted Local Plan as well as Paragraph 180 of the NPPF.

Whilst third party representations and the Parish Council have raised objections in relation to the levels on the site being raised so as to become level with the adjacent development on Choyce Close the submitted information outlines that this would not be the case with it being possible to condition that the finished floor levels of the dwellings are provided in accordance with the information as submitted.

Highway Safety

The County Highways Authority have been consulted on the application and have raised no objections subject to the imposition of conditions on any permission granted.

Vehicular access into the site would be achieved from Forest Road via the access point which was created in accordance with the planning permission granted under application reference 15/00032/FULM. This access has been designed to provide adequate levels of visibility in both directions, so as to enable vehicles to enter the highway in a slow and controlled manner, and which is of a width that allows vehicles to pass clear of the highway. Given the design of the access it is considered that it would be capable of accommodating the vehicular movements associated with a further 9 dwellings without resulting in severe implications to pedestrian and highway safety. Internally the highway is not to be adopted, and thereby it remains a private drive, but this highway being of a width of seven metres would be sufficient in allowing vehicles to travel safely past each other. Within the site itself vehicles would be able to manoeuvre in a safe and appropriate manner so as to exit the site in a forward direction. On the above basis the proposal would be compliant with Policy IF4 of the adopted Local Plan and Paragraph 109 and 110 of the NPPF.

Following amendments to the plans the dimensions of the external off-street parking spaces and internal dimensions of the integral/detached garages now accord with guidance contained with the County Highways Design Guide and Council's adopted Good Design SPD with the number of spaces per plot also being in accordance with the aforementioned guidance. On this basis, and subject to the imposition of a relevant condition, a sufficient level of off-street parking would

be provided in accordance with Policy IF7 of the adopted Local Plan and Paragraphs 105 and 106 of the NPPF.

Public footpath N85 runs adjacent to the eastern boundary of the site and would not be impacted on as a result of this development given the retention of the boundary hedge and provision of the 5 metre ecological buffer strip on the development side of the eastern boundary. On this basis compliance with Paragraph 98 of the NPPF would be ensured.

Ecology

The County Council Ecologist has been consulted on the application and has commented that the loss of the grassland on the site would be acceptable to facilitate the development given that it is only of local significance. It is, however, the case that evidence from previous ecological appraisals, as well as the submitted ecological appraisal, have indicated that badgers are present in the area albeit the location of their sett has not been established. On this basis the County Council Ecologist considers it imperative that the hedgerow to the eastern boundary of the site is retained and that a buffer of natural vegetation is provided to a total distance of 5 metres from this hedgerow to the residential boundaries of the dwellings so as to establish a wildlife corridor and to ensure badgers do not become trapped on the site. It is noted that such an approach was taken on the scheme to the immediate north of the site and consequently a similar condition would be imposed to secure the provision of the wildlife corridor. Revised plans have been submitted to indicate how the wildlife corridor would be established and a revised consultation response from the County Council Ecologist has confirmed that they consider this detail to be acceptable.

Subject to the imposition of a condition to secure the wildlife corridor it is considered that the proposal would accord with Policies D1 and En1 of the adopted Local Plan as well as Paragraph 175 of the NPPF and Circular 06/05.

Landscaping

The majority of trees and hedgerows on the site are located on the site boundaries and consequently could be retained as part of the development although some management of this vegetation may be undertaken given its current condition. For the avoidance of doubt it is noted that no trees on the site are subject to Tree Preservation Orders (TPOs) nor would they be deemed worthy of protection via a TPO.

The National Forest Company have identified that the previous applications to the north of the site have addressed the need for National Forest woodland planting and landscaping by making a financial contribution via a Section 106 agreement and this would be their preferred method of securing the 0.13 hectares of woodland planting and landscaping required as part of this development.

Notwithstanding the comments of The National Forest Company it is generally encouraged that existing soft landscaping is retained as part of development proposals, particularly those within the National Forest area, and consequently a condition would be imposed on any permission granted for a suitable scheme to be secured given that no precise information in this respect has been provided.

It is also considered that details of the hard landscaping to be provided on the site would be secured via a condition.

Overall, and subject to the imposition of the identified conditions, the scheme would be compliant with Policies D1 and En3 of the adopted Local Plan.

Drainage and Flood Risk

The site lies within Flood Zone 1 (which has the lowest risk of flooding) and is also within an area which is largely not impacted on by surface water flooding although there is a low to medium potential for surface water flooding to occur within parts of the site where plots 6 - 10 would be located. The above is based on the Environment Agency's Surface Water Flood Map.

As part of the consideration of the application the Lead Local Flood Authority (LLFA) have been consulted and initially an objection was raised due to the submitted information not demonstrating that the risk of surface water flooding would not increase as a result of the proposal. Further information subsequently submitted has outlined that surface water run-off would discharge into the surface water sewers owned by Severn Trent Water whose consent to connect into the system will be required under separate legislation and who will determine the appropriate flow which should discharge into the sewer from the site. The LLFA have considered the revised information and determined that they have no objections subject to the imposition of conditions on any permission granted to secure the surface water drainage solution.

On this basis it is considered that the proposal would comply with Policies Cc2 and Cc3 of the adopted Local Plan, as well as Paragraph 163 of the NPPF, and would ensure the development would not exacerbate any localised flooding impact.

Insofar as foul drainage is concerned, it is indicated on the application form that this would be discharged to the mains sewer with such discharge being agreed with Severn Trent Water under separate legislation. In the circumstances that Severn Trent Water have raised no representation to foul drainage discharges being managed in this manner it is considered that the additional demands for foul drainage could be met by the existing sewerage system in place and therefore the proposed development would accord with Paragraph 180 of the NPPF.

Archaeology

The County Council Archaeologist has advised that no archaeological mitigation would be required as a result of the development and on this basis the proposal would be considered compliant with Policy He1 of the adopted Local Plan and Paragraph 199 of the NPPF.

Viability of the Development

A request has been made for Section 106 contributions towards education, National Forest planting, transportation and affordable housing. These requests have been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations) as well as Paragraphs 34, 54 and 56 of the NPPF.

For the avoidance of doubt the Local Planning Authority is not dealing with this development as a stand-alone application for 9 dwellings but instead are treating it as an extension to the existing site and consequently a combined development of 47 dwellings, should permission be granted for the development as proposed.

The requested development contributions are listed below.

Affordable Housing

Policy H4 of the adopted Local Plan outlines that the affordable housing contribution on a scheme of 11 or more dwellings proposed on a greenfield site within the Coalville Urban Area, of which Hugglescote is part, would be 20%. Whilst it is noted that ordinarily a scheme of 9 dwellings would not 'trigger' an affordable housing contribution in light of this proposal being an

extension to the existing development to the north Policy H4 would be applicable, this is as outlined above. It is, however, the case that any contribution would be based on 9 dwellings given that off-site contributions have already been secured within Section 106 agreements associated with the permissions granted to the north.

The Council's Affordable Housing Enabler has been consulted on the application and has advised that a scheme of 9 dwellings should provide 2 affordable units on the site. It is, however, the case that Paragraph 7.34 of the supporting text to Policy H4 outlines that in exceptional circumstances (such as site specific constraints or demonstrable viability issues) the Local Authority may accept a sum of money (referred to as a commuted sum) to make provision for affordable housing on another site(s). Should a commuted sum be paid on this site it would be in the region of £100,000 (£50,000 per unit).

Education

Leicestershire County Council (Education) request a high school sector contribution of £17,876.17 for Newbridge High School. No requests are made for the primary, upper or special school sectors. The reasoning for the request outlines that no more than five obligations (including those proposed) have been sought for the scheme project and as such no issues arise in respect of pooling (insofar as the limitations on pooled contributions as set out within the CIL Regulations are concerned).

A total contribution of £17,876.17 is therefore sought for education.

Transportation Contributions

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

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- Two six month bus passes per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services as an alternative to the private car and to establish changes in travel behaviour from first occupation (£360.00 per pass).

National Forest Planting

The National Forest Company request a financial contribution of £4550 given that no woodland planting or landscaping is proposed on site.

Conclusions in respect of Developer Contributions

The following requests have been made:

National Forest Company - £4550.00;
County Highway Authority - £1915.65 based on 25% uptake of bus passes;
County Council Education Authority - £17,876.17;
Affordable Housing - £100,000.00;

Total - £124,341.82

It has been identified by the applicant that there are viability constraints associated with the development due to the topography of the site which would require the provision of abnormal foundations, retaining walls and a pumping station. The costs associated with carrying out these

works would result in the development not providing a competitive return to any landowner or developer.

Policy IF1 of the adopted Local Plan outlines that in negotiating the provision of infrastructure the Council will have due regard to viability issues which will require the applicant to provide viability information to the Council which will then be subject to independent verification. Paragraph 57 of the NPPF outlines that *"the weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force."* Paragraph 008 of the 'Viability and Plan Making' section of the NPPG outlines that *"where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then."*

A viability appraisal was submitted in support of the application and this assessment was independently reviewed by the District Valuer (DV) who has concluded, following the receipt of further information associated with sales on Phases 1 and 2 to the north of the site as an accurate evidence base to the viability appraisal, that the scheme would be unable to support any Section 106 contributions (a deficit of over £120,000 has been demonstrated to a 17.5% profit margin).

While Paragraph 008 of the NPPG now states that any viability assessment which is submitted should be *"based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since"* it is considered that as the scheme has already been assessed by the DV, it would be unreasonable to require the developer to undertake further viability appraisals at this late stage of the application process.

As the DV is satisfied regarding the viability assessment that has been submitted on the site the Local Planning Authority accepts these arguments. However, and notwithstanding the aims of Policy IF1 of the adopted Local Plan and Paragraph 57 of the NPPF, it is still considered necessary to determine whether a scheme offering no contributions would represent sustainable development. Paragraph 8 of the NPPF provides support for the economic and social roles of planning and states that with regards to the economic role development should *"include the provision of infrastructure"* and from a social perspective development should support the community's *"health, social and cultural well-being."*

Subsequent discussions have been undertaken with the applicant and it has been agreed that a total contribution of £24,341.82 (representative of 20% of the total contribution) would be paid to meet the requests of the County Council Education Authority, County Council Highways Authority and National Forest Company (these service areas would therefore receive the full contribution sought). The payment of these contributions would assist in off-setting some of the conflict with the economic and social strands of sustainability referred to above.

It would remain, however, that no contribution towards affordable housing would be made albeit consideration could be given to dividing the contribution up on a pro rata basis which would result in the following contributions being provided:

National Forest Company - £973.67;
County Highways Authority - £486.84;
County Education Authority - £3407.85;
Affordable Housing - £19,473.46;

If Members are minded to grant planning permission then they can give consideration as to whether the pro-rata contributions should be sought, which would ensure that at least some contribution is provided to each of the relevant requests, or that full contributions are made to the County Council Highways, National Forest Company and County Council Education Authority (i.e. no affordable housing contribution is paid).

Overall in the context of Policy H4 of the adopted Local Plan Part (2) of this Policy does outline that in agreeing the provision of affordable housing due regard will be given to *"site constraints"* as well as *"financial viability, having regard to the individual circumstances of the site."* As concluded above it has been demonstrated that the scheme is not viable to afford any Section 106 contributions with it also being the case that the schemes permitted to the north of the application site have been granted without the provision of on-site affordable housing (indeed only a significantly reduced off-site contribution was sought). Taking such matters into account it is considered that, on balance, the securing of relevant contributions to other service areas would assist in mitigating the implications of the development to local infrastructure, and thereby ensure it is sustainable, with the degree of conflict with Policy H4 of the adopted Local Plan not justifying a refusal of the application when taken in balance with the compliance with Policy IF1 of the adopted Local Plan.

It should also be the case that the Section 106 agreement is subjected to periodic reviews of the economic viability of the scheme, during the course of the development, with a view to increasing the level of contributions in the event that the profitability of the scheme improves.

Play Area/Open Space

Policy IF3 of the adopted Local Plan outlines that on-site play provision and open space, or any off-site contribution, would only be applicable on development proposals of 50 dwellings or more and as such none would be required as part of this proposal which only equates to 47 dwellings, when taking into account those permitted to the north of the site.

Other Matters

The Council's Waste Services Team have been consulted on the application and have advised that if Choyce Close is to largely remain an unadopted highway then the bin collection point for the proposed dwellings would need to be located around the turning head in close proximity to nos. 7, 8, 9, 32 and 33 Choyce Close which forms part of the adopted highway. The District Council has been made aware of issues associated with the current bin collection arrangements for the existing dwellings on Choyce Close and whilst no conditions were imposed on the permissions granted under application references 15/00032/FULM and 16/00798/FUL the applicant has outlined that he is willing to discuss this matter further with the District Council in order to achieve a suitable solution. In respect of this application a condition would be imposed for the precise bin collection scheme to be agreed.

Conclusion

The application site is located within the Limits to Development where the principle of this form of development would be acceptable with the development also being within a socially sustainable location and not impacting adversely on the environment due to the neighbouring land being allocated for housing development. It is also considered that the site could be developed in a manner which would not appear out of keeping with the character and appearance of the surrounding locality and which would not impact adversely on the amenities of neighbouring residents, highway safety, ecology, archaeology or soft landscaping nor would the proposal exacerbate any localised surface water flooding impact. The development would also provide an appropriate housing mix and an acceptable level of

developer contributions given the viability constraints. There are no other material planning considerations that indicate that planning permission should not be granted and accordingly the proposal, subject to relevant conditions and completion of a Section 106 agreement, is acceptable for the purposes of the above mentioned policies.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the LLFA and County Council Ecologist confirming that they have no objections, and to conditions and the completion of a Section 106 agreement;

1. Time limit.
2. Approved plans.
3. External materials.
4. Hard and soft landscaping.
5. Replacement landscaping.
6. Boundary treatments.
7. Finished floor and ground levels.
8. No raising of existing ground levels.
9. Surface water drainage.
10. Off-street parking.
11. Vehicle manoeuvring facilities.
12. Proposed pumping station.
13. Bin collection area.
14. Tree and hedge protection.
15. Ecological buffer strip.
16. Curtilage restriction plots 5 and 6.