

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN COMMITTEE – WEDNESDAY, 7 NOVEMBER 2018

Title of report	LOCAL PLAN REVIEW – SETTLEMENT HIERARCHY
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Purpose of report	To consider the need for possible changes to the settlement hierarchy (Policy S2) in view of the apparent concerns of Planning Committee
Council priorities	<p>Value for Money Business and Jobs Homes and Communities Green Footprints Challenge</p>
<p>Implications:</p> <p>Financial/Staff</p> <p>Link to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Screening</p> <p>Human Rights</p>	<p>None</p> <p>None</p> <p>Notwithstanding the recent adoption of the Local Plan, in view of the apparent concerns of Planning Committee in respect of the Settlement Hierarchy (policy S2) it is appropriate to consider whether any changes should be made to the policy. It is necessary to ensure that in making any changes as part of the Local Plan review to consider reasonable options. These are set out in the report.</p> <p>An Equalities Impact Assessment of the Local Plan review will be undertaken as part of the Sustainability Appraisal.</p> <p>None discernible</p>

Transformational Government	Not applicable
Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	Local Plan Project Board
Background papers	National Planning Policy Framework which can be found at https://www.gov.uk/government/publications/national-planning-policy-framework--2 Planning Practice Guidance https://www.gov.uk/government/collections/planning-practice-guidance
Recommendations	THAT THE LOCAL PLAN COMMITTEE ADVISE AS TO WHETHER IT AGREES WITH THE SUGGESTED APPROACH TO REVISING THE SETTLEMENT HIERARCHY AS SET OUT IN THE REPORT

1.0 INTRODUCTION

- 1.1 Members will be aware that Policy S2 of the adopted Local Plan establishes a settlement hierarchy, the purpose of which is to distinguish between the role and function of the various settlements across the district and to guide where new development should go.
- 1.2 This report considers whether as part of the current partial review of the Local Plan the policy should be amended

2.0 BACKGROUND TO POLICY S2 – SETTLEMENT HIERACHY

- 2.1 A copy of policy S2 is attached at Appendix 1.
- 2.2 In summary it identifies (in descending order of scale):
- Principal town (Coalville Urban Area)
 - Key Service centre (Ashby de la Zouch and Castle Donington)
 - Local Service Centre (Ibstock, Kegworth and Measham)
 - Sustainable Villages (17 villages)
 - Small Village (16 villages)
 - Hamlets

- 2.3 The settlement hierarchy takes its lead from the National Planning Policy Framework (NPPF) which is clear that “*Significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes*”.
- 2.4 It is for this reason that the majority of new development is directed towards the largest settlements (i.e. Coalville, Ashby de la Zouch, Castle Donington, Ibstock, Kegworth and Measham) which have the greatest range of services and facilities, including public transport.
- 2.5 This does not mean that no development can take place below the Local Service Centres, but the approach to new development is more restrictive the further down the hierarchy. This is achieved by defining Limits to Development for Sustainable Villages (as they are for the higher order settlements) within which new development is generally considered to be acceptable in principle, subject to the normal planning considerations relating to matter such as scale of development, design, access and impact upon amenity. In Small Villages development is to be restricted to the conversion of existing buildings or the redevelopment of previously developed land or an exceptions site for affordable housing (in accordance with policy H5). In Hamlets development is limited to that in accordance with Policy S3 (Countryside). The latter category generally presumes against new development consistent with the NPPF which states that “*Planning policies and decisions should avoid the development of isolated homes in the countryside...*”.

3.0 DOES POLICY S2 NEED TO BE REVIEWED?

- 3.1 In considering whether there is a need to amend the settlement hierarchy policy the following should be noted:
- The local plan was adopted less than a year ago.
 - A review of the range of services and facilities available by settlement has been undertaken and there are limited changes which have occurred which reinforces this view.
 - There are appeal decisions across the district where Planning Inspectors have dismissed appeals in such settlements because it was considered that the development would represent unsustainable development having regard to the lack of services and facilities available in those settlements (e.g. Church Lane Osgathorpe).
- 3.2 The above would suggest that there is not a need to review policy S2.
- 3.3 However, since the adoption of the Local Plan there are a number of instances where Planning Committee has approved housing developments outside of the Limits to Development (typically small-scale developments, 1 and 2 dwellings) contrary to officer’s recommendations. There are also instances where Planning Committee has expressed their support for such developments, but with reluctance agreed to refuse planning permission in accordance with the officer’s recommendation. Examples of these are set out at Appendix 2 of this report.
- 3.4 It would appear from discussion at Planning Committee that members’ concerns relate to the lack of policy support for proposals in the smaller settlements which are purported to

meet a 'local need', and that 'local need' is not just restricted to issues relating to affordability. Again it would appear that this is largely in relation to those settlements which fall within the 'Small Village' or Hamlets' categories.

- 3.5 As members will be aware the NPPF makes it clear that "*The purpose of the planning system is to contribute to the achievement of sustainable development*". It goes on to outline that sustainable development has three overarching and interdependent objectives: an economic objective, a social objective and an environmental objective.
- 3.6 Policies, therefore, need to strike a balance between these three objectives. Policy S2 is clearly positive from an environmental point of view as it directs development to those settlements with the best range of services and facilities so reducing the need to travel (consistent with the aims of the NPPF). However, it could be argued that it is less positive in terms of meeting the social objectives as in Small villages and below there are limited opportunities for additional growth which can impact upon existing residents, for example forcing young people to move out of a village due to lack of accommodation (whether affordable or not).
- 3.7 The following is put forward for Members' discussion assuming that Members would wish to see some changes to Policy S2. It is also assumed that Members are content with the first four levels of the hierarchy (i.e. Principal Town, Key Service Centre, Local Service Centre and Sustainable Villages) and so focusses upon possible changes to the approach in Small Villages and Hamlets.

4.0 POSSIBLE APPROACH

- 4.1 Five possible options are outlined at Appendix 3 of this report together with some possible advantages and disadvantages to each option.
- 4.2 If members are minded to change policy S2 so that it becomes more flexible, then Option 4 is considered to provide a reasonable option. However, whilst it would go some way to meeting members' apparent concerns, it may be considered that it does not go far enough, particularly in terms of addressing concerns regarding meeting 'local needs'. Therefore, a further possible iteration of Option 4 would be to:
- Define Limits to Development around Small Villages and within these;
 - Allow small scale development in Small Villages to meet a 'local need'.
- 4.3 In terms of local need there are examples from around the country, particularly (although not exclusively) in National Parks, where policies restrict new housing to those with a local connection. These connections can be in terms of how long somebody has been resident in an area or to have had employment in an area or some form of family need (e.g. to look after a relative) or a need from an affordability point of view.
- 4.4 Support for an approach which recognises the importance of meeting local needs can be found in the NPPF which states (paragraph 77) that in rural areas "*planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs*".

4.5 Attached at Appendix 4 is an example of suggested criteria to be able to demonstrate a local connection which is put forward for discussion. The approach set out is similar to that used in Section 106 Agreements in respect of affordable housing whereby a cascade approach is used to ensure that new affordable housing remains available to meet local needs, rather than wider needs. For the avoidance of doubt:

- A close family member is defined as being mother, father, daughter, son, sister or brother;

This would need to be addressed in the supporting text to the policy.

4.6 In order to ensure that the policy operates properly, a number of measures would need to be in place. These include:

- Requiring a Section 106 Agreement so that the property would remain available for local needs in perpetuity;
- Requiring that the initial occupancy be restricted to the applicant;
- Ensuring that the size of the proposed property reflects the actual need (i.e. seeking a 4 bed property when only a 2 bed property is needed);
- Requiring the applicant to have applied and been accepted to go on the self and custom build register.

4.7 In terms of the last point above, members will recall from a previous meeting of this Committee that the Council is required to maintain a register of individuals and associations of individuals who are looking to undertake a self or custom build project. By their definition somebody applying for planning permission under the 'local needs' banner would be likely to meet the definition of self or custom build (most likely the latter).

4.8 In terms of additional flexibility in Hamlets, it is considered that the current policy is consistent with the NPPF and so it does not need to be changed. However, it is considered that it would be helpful to identify those settlements which are considered to represent Hamlets.

4.9 If these changes were made a revised Policy S2 would look something like that set out at Appendix 5. Those parts underlined are the additions to the policy. It should be noted that additional changes may be required through the review process.

4.10 Members should note that Normanton-le-Heath is included in the suggested revised policy as a Small Village. Paragraph 5.19 of the adopted Local Plan lists those settlements which are considered to be Small Villages, including Normanton-le-Heath, but Normanton-le-Heath was inadvertently omitted from the list in policy S2 itself. The suggested change seeks to rectify this omission.

5.0 NEXT STEPS

5.1 If members are minded to agree to the suggested approach outlined in this report then it is considered that it should be subject to wider consultation as part of the proposed consultation outlined elsewhere on the agenda for this meeting. In this way it will be possible to seek the views of a range of stakeholders.

- 5.2 The policy (with or without amendments) will also need to be subject to Sustainability Appraisal to assess its sustainability credentials. This will also need to consider the various options outlined at Appendix 3 of this report.
- 5.3 Only if the policy is subsequently agreed by Council and taken forward in to later stages could the policy be given any weight. At this stage no weight could be attributed to the suggested policy.

Policy S2 – Settlement Hierarchy

The following Settlement Hierarchy will be used when assessing the suitability of a settlement for new development, with the general principle being that those settlements higher up the hierarchy will take more growth than those lower down and that the type of development proposed is appropriate to the scale and character of the settlement and its place in the hierarchy.

Settlement Classification	Settlement(s)
<p>Principal Town</p> <p>The primary settlement in the district which provides an extensive range of services and facilities including employment, leisure and shopping and which is accessible by sustainable transport from surrounding areas and to other large settlements outside the district. The largest amount of new development will be directed here, including retail development, to support the regeneration of Coalville Town Centre.</p>	<p>Coalville Urban Area which comprises of Coalville, Donington-le-Heath, Greenhill, Hugglescote, Snibston, Thringstone and Whitwick as well as the Bardon employment area.</p>
<p>Key Service Centre</p> <p>Smaller than the Principal Town in terms of population and also the range of services and facilities they provide, they play an important role providing services and facilities to the surrounding area and are accessible by some sustainable transport. A significant amount of development will take place in these settlements but less than that in the Principal Town.</p>	<p>Ashby de la Zouch Castle Donington</p>
<p>Local Service Centre</p> <p>Settlements which provide some services and facilities primarily of a local nature meeting day-to-day needs and where a reasonable amount of new development will take place.</p>	<p>Ibstock Kegworth Measham</p>
<p>Sustainable Villages</p> <p>Settlements which have a limited range of services and facilities where a limited amount of growth will take place within the defined Limits to Development.</p>	<p>Albert Village, Appleby Magna, Belton, Blackfordby, Breedon on the Hill, Coleorton (the Lower Moor Road area only), Diseworth, Donisthorpe, Ellistown, Heather,</p>

	<p>Long Whatton, Moira (including Norris Hill), Oakthorpe, Packington, Ravenstone, Swannington, Worthington.</p>
<p>Small Village</p> <p>Settlements with very limited services and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land (as defined in the National Planning Policy Framework) or affordable housing in accordance with Policy H5 (Rural Exceptions Sites for Affordable Housing).</p>	<p><i>Batram, Coleorton (the part not considered to be a Sustainable Village), Griffydam, Hemington, Lockington, Lount, Newbold, Newton Burgoland, Osgathorpe, Peggs Green, Sinope, Snarestone, Sweystone, Spring Cottage, Tonge, Wilson.</i></p>
<p>Hamlets</p> <p>Small groups of dwellings with no services and facilities and where development will be considered in the context of the countryside policy (Policy S3).</p>	

The re-use of previously developed land (as defined in the National Planning Policy Framework) will be supported where it is compatible with the settlement hierarchy set out above. The redevelopment of previously developed land for housing should be within or well-related to the Principal Town, a Key Service Centre, Local Service Centre, Sustainable Village or Small Village.

Any development provided for within this policy which discharges wastewater into the Mease catchment will be subject to the provisions of policy En2. Any such development which does not meet these provisions will not be permitted.

Appendix 2

Erection of detached dwelling (outline access and layout included). Land opposite Lower Farm House Netherseal Road Chilcote Derby (18/00095/OUT)

- Application recommended for refusal at Planning Committee of 9th May 2018
- Applicants had cited a need to move from current place of residence to be near parents who required care
- S106 Agreement restricts future sales to no more than 45% of the open market value to a person or household with a local connection who meets affordability criteria

Erection of one detached two storey dwelling Land at Pitt Lane Coleorton Coalville Leicestershire (17/01511/FUL)

- Application recommended for refusal at Planning Committee of 9th January 2018
- Application was a dwelling for applicant who had a need for a dwelling because their existing dwelling was no longer suitable due to the fact that the applicant was disabled and used a wheelchair
- S106 Agreement restricts future sales to no more than 60% of the open market value to a person or household with a local connection who meets affordability criteria

Erection of two and a half storey dwelling with detached garage and new vehicular access 17 School Lane Newbold Coalville Leicestershire LE67 8PF (18/00112/FUL)

- Application refused under delegated procedures

Erection of two single storey dwellings Land to the South Peters Close Tonge Derby (18/00567/FUL)

- Application recommended for refusal at Planning Committee of 3 July 2018.
- Application refused following recorded vote.
- Applicant sought permission citing a need for the Council to make provision for self-builders

Possible options for changing policy S2

Option 1 - Merge small villages and hamlets

Under this approach all settlements which fall in to these categories would be treated the same and some development, provided it involved the conversion of an existing building or the reuse of previously developed land or affordable housing in accordance with the exceptions policy, would be potentially acceptable.

This approach would have the advantage that it is simple and easy to use.

However, it would encourage development in locations which are not suitable for development due to a lack of services and facilities (particularly in hamlets) contrary to the stated aim of the NPPF to reduce the need to travel by private car and so would not be a reasonable option.

Option 2 – define Limits to Development around Small Village

This would provide some form of guidance as to where development was considered to be acceptable in Small Villages and be less of a restrictive ‘blanket’ approach.

This would have an impact upon resources in terms of officer time to define appropriate Limits to Development. It would also be likely to lead to objections from those who are seeking to resist development or from those promoting development but whose sites have been excluded.

Unless the scope for the type of development considered to be acceptable in a Small Village was widened from that currently allowed, it would not change anything significantly. Therefore, it is considered that this is not a reasonable option.

Option 3 – widen the scope of development allowed in Small Villages

Rather than restricting development to that using previously developed land or conversion of existing buildings, new build development small in scale (say a single dwelling on a site) would also be considered appropriate.

The policy would need to be worded very carefully so as to be clear as to what is meant by a site so as to avoid a situation whereby a site is split and so result in more than one dwelling.

Unless this was combined with Option 2 it would make it difficult to resist development anywhere in the vicinity of a settlement and so could potentially result in development poorly related to the settlement pattern. It is considered that this would run counter to the NPPF and so would not be a reasonable option.

Option 4 – define Limits to Development around Small Villages and widen the scope of development considered to be acceptable

This would combine Options 2 and 3 so that development was restricted to that which is small in scale and within defined Limits to Development.

This would represent a more flexible approach than the current policy, but would allow the Council to retain some degree of control as to where development goes. As with Option 2 it would be likely to lead to objections from those seeking to resist development, although the fact that there would be a limit in terms of scale may help to offset some of these concerns.

The policy would need to be worded very carefully so as to be clear as to what is meant by a site so as to avoid a situation whereby a site is split so as to allow more than one dwelling.

Option 5 - define Limits to Development around Small Villages and widen the scope of development considered to be acceptable

Under this option the scope of development would be widened to allow for any development within the defined Limits to Development (subject to normal planning considerations).

Whilst this would overcome the disadvantages to Options 3 and 4 in terms of how to word the policy, it would mean, in reality, that there would be nothing to distinguish it in policy terms between a Sustainable Village and Small Village (other than the scale of development relative to the scale of the settlement). For this reason it is considered that it not be reasonable option.

Possible local connection criteria

- Existing resident in the parish within which the application is located for a continuous period of at least 10 years prior to an application being submitted; or
- The person requires frequent attention and/or care due to age, ill health, disability and/or infirmity as demonstrated by written evidence from a medical doctor or relevant statutory support agency and therefore has an essential need to live close to a close family member who currently reside in the parish within which the application is located and have done so for a continuous period of at least 10 years and; or
- The person has an essential need to provide support, as demonstrated by written evidence from a medical doctor or relevant statutory support agency, for a close family member who currently reside in the parish within which the application is located and have done so for a continuous period of at least 10 years; or
- The existing accommodation of the proposed occupant must be located within the parish and be no longer suitable for their needs due to its size or is difficult to get around due to ill health or disability as demonstrated by written evidence from a medical doctor or relevant statutory support agency; or
- No longer resident in the parish within which the application is located but has previously resided in the parish for a period of at least 10 years within the last twenty years

Possible revised policy S2

Policy S2 – Settlement Hierarchy

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<p>Key Service Centre</p> <p>Smaller than the Principal Town in terms of population and also the range of services and facilities they provide, they play an important role providing services and facilities to the surrounding area and are accessible by some sustainable transport. A significant amount of development will take place in these settlements but less than that in the Principal Town.</p>	<p>Ashby de la Zouch Castle Donington</p>
<p>Local Service Centre</p> <p>Settlements which provide some services and facilities primarily of a local nature meeting day-to-day needs and where a reasonable amount of new development will take place.</p>	<p>Ibstock Kegworth Measham</p>
<p>Sustainable Villages</p> <p>Settlements which have a limited range of services and facilities where a limited amount of growth will take place within the defined Limits to Development.</p>	<p>Albert Village, Appleby Magna, Belton, Blackfordby, Breedon on the Hill, Coleorton (the Lower Moor Road area only), Diseworth,</p>

	<p>Donisthorpe, Ellistown, Heather, Long Whatton, Moira (including Norris Hill), Oakthorpe, Packington, Ravenstone, Swannington, Worthington.</p>
<p>Small Village</p> <p>Settlements with very limited services and where development will be restricted to <u>sites within the Limits to Development and where the proposed development is limited to a single dwelling to meet the needs of a person(s) who satisfies one of the following local connection requirements:</u></p> <ul style="list-style-type: none"> • <u>Existing resident in the parish within which the application is located for a continuous period of at least 10 years prior to an application being submitted; or</u> • <u>The person requires frequent attention and/or care due to age, ill health, disability and/or infirmity as demonstrated by written evidence from a medical doctor or relevant statutory support agency and therefore has an essential need to live close to a close family member who currently reside in the parish within which the application is located and have done so for a continuous period of at least 10 years and; or</u> • <u>The person has an essential need to provide support , as demonstrated by written evidence from a medical doctor or relevant statutory support agency, for a close family member who currently reside in the parish within which the application is located and have done so for a continuous period of at least 10 years; or</u> • <u>The existing accommodation of the proposed occupant must be located within the parish and be no longer suitable for their needs due to its size or is difficult to get around due to ill health or disability as demonstrated by written evidence from a</u> 	<p>Batram, Coleorton (the part not considered to be a Sustainable Village), Griffydam, Hemington, Lockington, Lount, Newbold, Newton Burgoland, <u>Normanton-le-Heath</u>, Osgathorpe, Peggs Green, Sinope, Snarestone, Swepstone, Spring Cottage, Tonge, Wilson.</p>

<p><u>medical doctor or relevant statutory support agency; or</u></p> <ul style="list-style-type: none"> • <u>No longer resident in the parish within which the application is located but has previously resided in the parish for a period of at least 10 years within the last twenty years</u> <p><u>The applicant will be required to demonstrate that there are no suitable properties, of a scale commensurate with their need, available in the parish which would meet their needs</u></p> <p><u>The proposed development must be of a scale commensurate with the need.</u></p> <p><u>The proposed occupant must have been accepted on to the council's self and custom build register prior to the submission of an application.</u></p> <p><u>A planning obligation will be required which restricts the initial occupancy to the applicant for a period of at least three years and secures that the dwelling remain available to somebody who meets the local connections criteria in perpetuity.</u></p>	
<p>Hamlets</p> <p>Small groups of dwellings with no services and facilities and where development will be considered in the context of the countryside policy (Policy S3).</p>	

The re-use of previously developed land (as defined in the National Planning Policy Framework) will be supported where it is compatible with the settlement hierarchy set out above. The redevelopment of previously developed land for housing should be within or well-related to the Principal Town, a Key Service Centre, Local Service Centre, Sustainable Village or Small Village.

Any development provided for within this policy which discharges wastewater into the Mease catchment will be subject to the provisions of policy En2. Any such development which does not meet these provisions will not be permitted.