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**Erection of 30 dwellings, including 8 affordable homes  
(Outline - access included)**

**Report Item No  
A2**

**Land South Of Normanton Road Packington Ashby De La  
Zouch Leicestershire**

**Application Reference  
13/01002/OUTM**

**Applicant:**

**Date Registered  
30 December 2013**

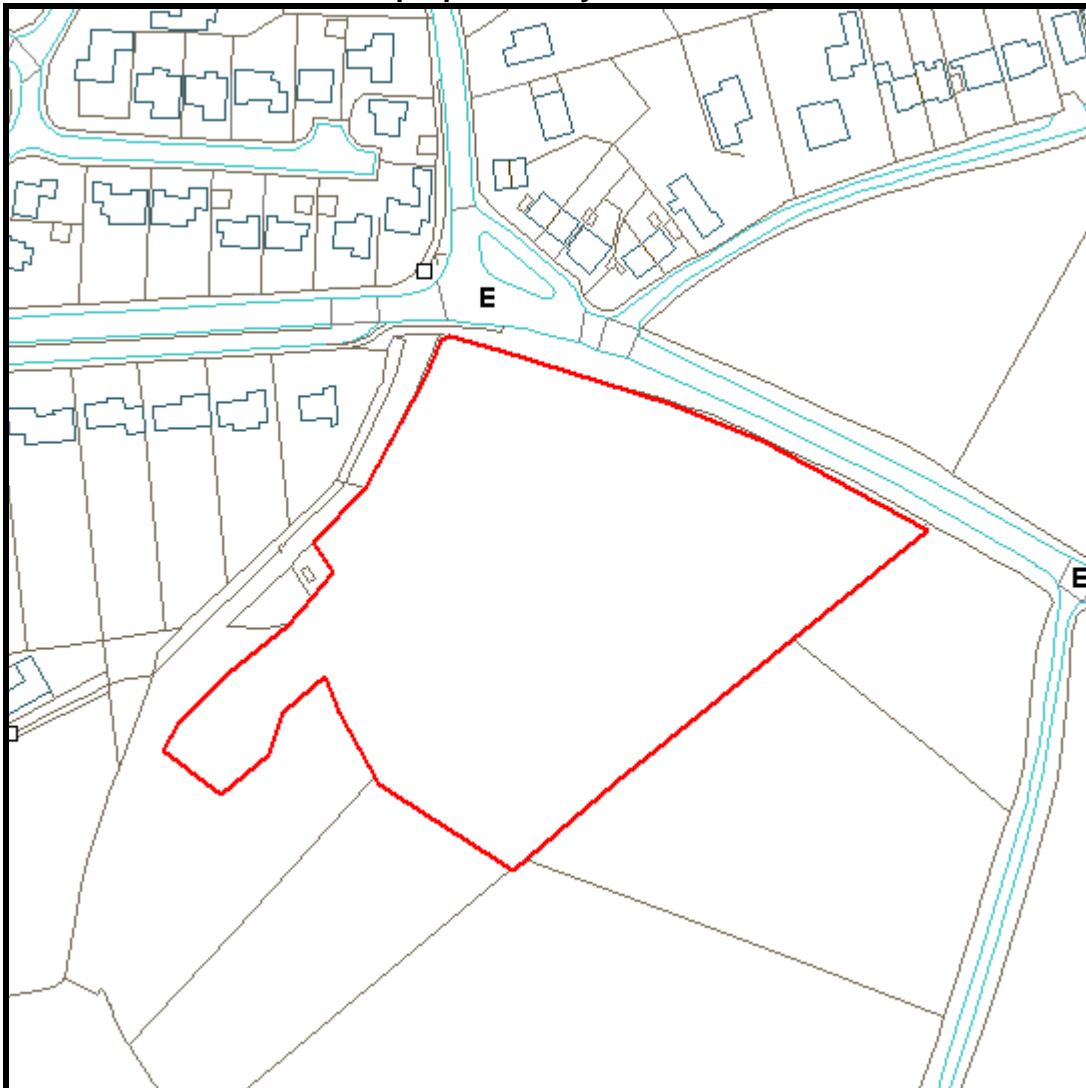
**Case Officer:  
Hannah Exley**

**Target Decision Date  
31 March 2014**

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

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



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## EXECUTIVE SUMMARY OF PROPOSALS

### Call In

The application is reported to the Planning Committee to enable the cumulative impact of the development, along with another current proposal to be assessed. It is also considered to be a matter of local concern.

### Proposal

Outline planning permission is sought for the erection of 30 residential units including affordable housing and provision of a sustainable urban drainage system. The site is 1.49 hectares and is currently in agricultural/equestrian use and is situated on the south-eastern side of the settlement to the southern side of Normanton Road. The application site is bordered by a public highway to the north, open fields to the east and south and by residential development to the west. The western boundary of the site abuts a stream, which is a tributary of the River Mease.

The application is in outline at this stage with details of means of access included for consideration. Vehicular access into the site would be off Normanton Road and the centre point of the access would be approximately 15m from the junction with Spring Lane which lies opposite the site. Details of an indicative scheme are provided to show how the site could be developed but these are for illustrative purposes only and therefore, are not to be considered in the determination of the application.

### Consultations

Members will see from the main report below that objections have been received, including from Packington Parish Council, with 71 letters being received from members of the public including FLOAT (Packington Flood Action Team). The objections cover several different issues, broadly but not exclusively relating to eg. the principle and sustainability of the proposal, adequacy of existing services/infrastructure, highway safety, impact on nearby residents and the character of the settlement, flood risk and drainage and impact on the historic environment and ecology.

No objections have been received from any of the statutory bodies consulted on the application.

### Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. This Policy now has to be considered as not being up-to-date in the context of the National Planning Policy Framework (NPPF) as the Council cannot currently demonstrate a five-year supply of deliverable housing sites.

### Conclusion

Whilst the site is outside the Limits to Development in the adopted Local Plan and constitutes greenfield land, as the Council cannot currently demonstrate a five-year supply of deliverable housing sites, its release for housing is considered suitable as Packington is a sustainable location for the level of development proposed for the site and the proposal would not result in a significant increase in housing development within the village.

The proposed development would be acceptable in terms of density, impact on the countryside, character of the area and the historic environment, impact on trees, residential amenities, transportation and highway safety issues, flood risk and drainage, ecological impacts and impact on the River Mease SAC and no other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities/services.

The proposed development would, overall, therefore be considered to constitute sustainable development as defined in the NPPF and, as such, benefits from a presumption in favour of such development as set out in that document. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

**RECOMMENDATION:- PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO 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 responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

## MAIN REPORT

### 1. Proposals and Background

The application is reported to the Planning Committee to enable the cumulative impact of the development, along with another current proposal to be assessed. It is also considered to be a matter of local concern.

Outline planning permission is sought for the erection of 30 residential units including affordable housing and provision of sustainable urban drainage system. The site is 1.49 hectares and is currently in agricultural/equestrian use and is situated on the south-eastern side of the settlement to the southern side of Normanton Road. The application site is bordered by a public highway to the north, open fields to the east and south and by residential development to the west. There is also existing residential development opposite the site fronting Normanton Road and Spring Lane. The western boundary of the site abuts a stream, which is a tributary of the River Mease.

The application is in outline at this stage with details of means of access is included for consideration. Vehicular access into the site would be off Normanton Road and the centre point of the access would be approximately 15m from the junction with Spring Lane which lies opposite the site. The formation of the new access would require the removal of some of the existing hedgerow along Normanton Road. The indicative layout shows that 17m of hedgerow would need to be removed to provide both the vehicular access and a continuous footpath link from the site up to Heather Lane.

Details of an indicative scheme are provided to show how the site could be developed but these are for illustrative purposes only and therefore, are not to be considered in the determination of the application.

The northern and eastern boundaries of the site are predominantly occupied by mature hedgerows interspersed with trees. The western boundary of the site which abuts the stream is occupied by more informal groupings of tree/hedgerow planting. The site forms part of a larger field which is separated into three areas by post and rail fencing, and therefore, the southern boundary of the application site is currently open. The southern boundary of the wider field (which is occupied by hedgerow planting interspersed with trees) lies approximately 90m to the south of the application site when excluding the proposed balancing pond. There are currently two existing vehicular accesses to the site off Normanton Road.

Land levels across the site rise in a north easterly direction with the lowest land levels being in the south western corner of the site and the highest at the northern eastern corner of the site adjacent to Normanton Road. Between these two points of the site, there would be an increase in land levels by up to 3 metres. Along the site frontage, there would also be an increase in land levels by 3m from west to east.

The site lies within the catchment area of the River Mease Special Area of Conservation and a tributary of the River Mease follows the western boundary of the site. The Packington Conservation Area lies approximately 200 metres to the west of the site/ 180m to the north west of the site and the nearest listed building is the Grade 2 listed Packington House lying approximately 300 metres to the north. There are no protected trees on the site.

#### *Planning History Summary:*

12/00733/FUL - Erection of 'Agricultural Style' building to provide secure storage and formation

of new access (Permitted)

10/00976/FUL - Erection of stables and covered way for keeping of horses and change of use of the land for keeping of horses (Permitted)

03/00301/FUL - Erection of stables and field shelter including change of use of field for keeping of horses (Permitted)

99/0174 - Change of use of land to a tennis club involving the erection of a pavilion, formation of three hardsurfaced courts and car parking and access onto Normanton Road (Refused for reasons relating to the poor physical relationship between the site and the settlement, impact on the character/amenities of the area and concern about precedent)

93/00589 - Erection of one dwelling (in the north western corner of the site) (Outline) (Refused for reasons relating to the development being beyond the settlement boundaries, impact of character/amenities of the area and highway safety) (Appeal lodged and dismissed)

81/0391 - Erection of single storey dwelling (Outline) (Refused for reasons relating to the development being beyond the settlement boundaries, impact of character/amenities of the area, highway safety and concern about precedent) (Appeal lodged and dismissed)

77/1504 - Erection of one dwelling (Outline) (Refused for reasons relating to the development being beyond the settlement boundaries, impact of character/amenities of the area, highway safety and concern about precedent)

The proposal has been assessed in respect of the Environmental Impact Assessment (EIA) Regulations 2011. Whilst the proposal is classed as development under paragraph 10(b) of Schedule 2 to the Regulations it has been concluded that this proposal does not constitute EIA development under the 2011 Regulations as its impacts, both on its own and cumulatively with the other major housing proposal to the southern side of Normanton Road (13/01002/OUTM) are not considered to be significant and can be considered as part of the planning application.

## **2. Publicity**

29 no. neighbours have been notified (Date of last notification 14 May 2014)

Site Notice displayed 21 January 2014

Press Notice published 22 January 2014

## **3. Consultations**

Packington Parish Council consulted 6 January 2014

County Highway Authority consulted 17 March 2014

Environment Agency consulted 14 January 2014

Severn Trent Water Limited consulted 14 January 2014

Head of Environmental Protection consulted 14 January 2014

Natural England consulted 14 January 2014

NWLDC Tree Officer consulted 14 January 2014

County Archaeologist consulted 14 January 2014

LCC ecology consulted 14 January 2014

NWLDC Urban Designer consulted 14 January 2014

LCC Development Contributions consulted 14 January 2014

NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 14 January 2014

Development Plans consulted 14 January 2014

Head Of Leisure And Culture consulted 14 January 2014

Manager Of Housing North West Leicestershire District Council consulted 14 January 2014

Police Architectural Liaison Officer consulted 14 January 2014

LCC ecology consulted 11 March 2014

National Forest Company consulted 14 May 2014

County Planning Authority consulted 23 May 2014  
Highways Agency- Article 15 development consulted 4 February 2014

#### 4. Summary of Representations Received

##### **Statutory Consultees**

**Packington Parish Council** raises objection on the following grounds:

- site is unsuitable, located outside the settlement boundary and would be a physical intrusion that would be detrimental to the character and beauty of the village;
- the site is continually waterlogged in winter and the proposal will exacerbate flooding problems in the area;
- the proposal is too large and would be out of keeping with the village;
- concern about highway safety including pedestrian safety, junction congestion, speeding incoming traffic from Normanton le Heath, proximity of existing and proposed road junctions;
- impacts on the SSSI Gilawiskaw Brook which is 3-400m away and its tributary which runs alongside the site;
- concern about the capacity of the local sewerage treatment works to accommodate the development;
- more traffic and pollution and inadequate public transport serving the settlement;
- concern about the capacity of local primary and secondary schools to accommodate the development;
- the Localism Bill says that 'Local people should plan the future of their community and they should decide how much development is needed' and this proposal has raised concerns from many residents and an action committee has been set up to object to the proposal;
- it is not a sustainable development and will detract from the village;
- growth within the village should be small-scale development across a number of sites.

**The County Highway Authority** considers that the site does have a reasonable level of services within a convenient walking distance and Ashby de la Zouch is relatively accessible by cycling. No objection is raised subject to conditions and Section 106 requirements.

**Highways Agency** has no objections.

**The Environment Agency** has no objections subject to conditions.

**Natural England** has no objections subject to conditions and a River Mease developer contribution being secured in accordance with the River Mease Developer Contribution Scheme.

**Severn Trent Water** no comments have been received. Any comments received will be reported to Members via the update sheet.

**County Ecologist** initially raised concern about the adequacy of information submitted with respect to badgers and trees with bat potential. Following the provision of additional information, the County Ecologist has removed her initial objection to the proposal.

**County Archaeologist** has no objections subject to conditions.

**NWLDC Affordable Housing Enabler** advises that they are satisfied with the level of affordable housing being proposed subject to a specified housing type and tenure being agreed. The applicant's agent has confirmed agreement to these specifications.

**NWLDC Urban Designer** is satisfied that the indicative layout as shown would meet the requirements of Building for Life 12 and, that the site could be developed in line with local design policies and advice in the NPPF.

**Council's Tree Officer:** Following the submission of a tree survey and revised plans the Council's Tree Officer raises concern about the impact of the proposed vehicular access on frontage trees.

**NWLDC Environmental Protection** has no environmental observations and raises no objection.

**National Forest Company** advises that 20 percent of the site area should be woodland planting and landscaping unless an off-site planting developer contribution is agreed and this will need to be secured through the S106 agreement.

**NHS England** have requested a contribution of £10,093.91 towards the Ashby Health Centre.

**Leicestershire County Council - Highway Transportation & Waste Management Authority** has not made a request for a contribution towards civic amenity sites.

**Leicestershire County Council Library Services Development Manager** have requested a contribution of £2140 towards additional resources at Ashby de la Zouch library.

**Leicestershire County Council Local Education Authority** have requested a contribution of £62,566.60 for the high school sector as there would be a deficit of 28 pupil places (4 created by the development) within high schools within a 3 mile walking distance of the site. A contribution of £64,243.06 is also sought for the upper school sector as there would be a deficit of 119 pupil places (4 created by the development) within upper schools within a 3 mile walking distance of the site. No contribution is sought for the primary school sector as there currently an overall surplus for the area of 8 places when taking into account primary schools within a 2 mile radius of the site.

No responses had been received from the Council's Leisure team or Leicestershire Police at the time of writing this report.

#### **Third Party Representations:**

All responses from statutory consultees and third parties are available for Members to view on the planning file.

71 letters of neighbour representation have been received, raising objection on the following grounds:

#### **STRATEGIC ISSUES:**

- the absence of a core strategy is being used as a free for all in planning applications and there needs to be a cumulative impact assessment of all the recent development proposals for housing in the village/district to review the potential impacts of the proposed developments in the area;
- it should be for the local strategic planning process to determine future policy on the location of housing land supply and not speculative development;
- growth should be in-line with that envisaged in the Core Strategy for rural settlements;
- concern about the level of schemes in other settlements within the District as a whole

- and the cumulative impact of these need to be assessed;
- there are more suitable brownfield sites within the village which could be developed to meeting housing requirements;
- there are more sustainable settlements within the District that should be considered for housing before Packington;
- there are two applications for residential development outside the village envelope and an assessment of the cumulative impact of these developments needs to be undertaken;
- the proposal in addition to the additional housing on the other side of Normanton Road are disproportionate to the size of the settlement;
- local people should plan the future of their community and they should decide where and how much development is needed;
- development should be spread across all the sustainable villages;
- undeveloped sites with planning permission in more sustainable places should be developed first;

PRINCIPLE:

- the site falls outside the limits to development and therefore, is contrary to policy;
- the land is agricultural and is a greenfield site which is not suitable for development;
- brownfield sites within the village should be considered before greenfield sites are developed;

SUSTAINABILITY:

- insufficient infrastructure meaning that residents will need to commute out of the village to reach services and facilities (secondary schools, doctors, shopping);
- notwithstanding the close proximity of the bus stop to the site, public transport provision is limited to and from the village both in terms of frequency and destinations;
- the proposal will increase carbon footprint of the village;
- there are no job opportunities in the village and the development of the site would not bring employment to the area and therefore, the properties would attract commuters;
- the site is not big enough to provide much needed investments in the schools and health services in the village but cumulatively the developments may be and, this should be considered.
- the development would not accord with the sustainability objectives of the NPPF;
- the Highways Report incorrectly states that Packington has a few shops but it has one on High Street;
- there is no capacity in the local primary school meaning that residents would need to take children outside the village by bus or car;
- there is no capacity within the secondary schools in Ashby;
- the local bus service is very limited and currently under review so may be reduced further, which would make residents of the development dependent on their private cars to reach services and work places outside the village;
- there is no capacity in the local GP surgeries in Ashby and Measham meaning that residents would need to travel further to see a doctor;
- inadequate infrastructure makes the site unsustainable;
- the proposal would not bring employment/social benefits to the village and the new dwellings will likely be occupied by commuters;
- should permission be granted, developer contributions should be sought for additional school, healthcare and recreation facilities;
- the electricity supply to Packington is inadequate and the proposal will put a further strain on this service;
- water pressure within Packington is already low and the proposal will only exacerbate this problem;



NEED:

- the site offers minimal social housing;
- there is no need for affordable housing to be provided;
- the suitability of the proposed affordable housing is queried;

FLOODING AND DRAINAGE:

- the proposal will increase surface water run-off and exacerbate existing flooding problems in the area, especially in the gardens off Heather Lane where residents have to use sandbags around their properties;
- there is a watercourse in close proximity of the site which already floods in heavy rain and concern is raised about increased surface-water run-off from the site which will contain hardsurfaced areas;
- if approved, previous flood defence work will be undermined;
- the development would use agricultural land;
- local pasture land is saturated and developing the land will only increase surface-water run-off and increase the risk of flooding;
- the proposal would put a strain on the existing local sewerage works;
- a lake on the site would make very little difference;
- concern about the whether the level of attenuation required to offset the development is achievable and therefore, will make existing flooding problems worse;
- concern about impact on the River Mease SAC and SSSI as the Gilwiskaw Brook which is a tributary of the River Mease runs through the village;
- concerns about the impact on the River Mease SAC/SSSI given the limited capacity of the existing local treatment works;

DESIGN/VISUAL AMENITIES:

- the development will negatively affect the appearance of the village on approach from Normanton le Heath, as well as the character of the village due to the current size of the village in relation to the proposed development;
- the views of the village from the north is also likely to be blighted in the future by the HS2 development;
- the proposal would change the rural nature of the village and would be out of scale and character with the village;
- the proposal would make a 16% increase upon the current size of the village;
- organic growth of infill plots within the settlement would be more appropriate;
- green planting to offset the landscape that will be lost would be little compensation and would take years to mature;
- whilst unwelcome, the extension of the village in this location is more acceptable visually than the proposed Spring Lane development which would overlook existing properties;
- the design of the properties should reflect the variety of housing that exist within the village and contributes to its character;

HIGHWAY SAFETY:

- the development is on the opposite side of the village to access local services and also those in Ashby and Measham and will result in increased traffic going through the village;
- additional road traffic volumes from the development will compound existing road and pedestrian safety issues associated with the A511 at rush hour, the Junction at the end of Measham Road, and the junctions with Spring Lane and Redburrow Lane where visibility is already poor and at the bottom of Normanton Road where there is a narrow and dangerous bend in the road;

- increased traffic volumes due to poor bus service;
- local roads are poorly lit, unsuitable and dangerous for increased traffic due to narrow sections, on-street parking and blind bends and vehicles already travel in excess of the speed limit;
- additional traffic creates dangers for vulnerable pedestrians, eg children
- the proposal will make existing rat-running problems worse and increase dangers to road users;
- if permitted, the developer should pay for traffic calming measures within the village;
- concern about the safety of an increased number of pedestrians crossing Normanton Road;
- close proximity of the access to an existing junctions is dangerous;
- a cumulative assessment of the highway implications of the various proposed residential development should be undertaken;
- lack of pedestrian footways to enable the safe passage of pedestrians from the site to the village;
- additional dangerous from construction traffic;
- additional conflict with agricultural traffic, as well as camping/caravan traffic;
- egress from Red Burrow Lane and Spring Lane are already difficult within limited visibility and increased traffic on Normanton Road will only exacerbate this;
- the site is poorly located for access to the village centre and major routes out of the village (A42/A511) which will increase traffic passing through the village,
- access to the A42 at Measham Road is already dangerous as five roads meet at this junction and the proposal will only make the existing situation worse;
- Normanton Road is already used as a short cut between the A511 and the A42 which generates additional traffic within the village;
- the adjoining highways are also already used daily by agricultural vehicles to/from local farms and vehicles visiting the campsite at Hill Farm;
- any highway improvements proposed as part of the scheme would serve the proposed development not the village;
- unsuitable access near a dangerous corner where there are no footpaths and poor lighting;
- the proposal with the other development proposed would result in seven vehicular accesses within approximately 200 yards;
- a new footway is proposed within the highway on land within the ownership of LCC and any requirements for the development should be accommodated within the site;
- a traffic survey is required;
- there are already difficulties parking in High Street;

#### ECOLOGY:

- a local wildflower planting initiative has been implemented within the vicinity of the site and is attracting wildlife;
- loss of hedgerows/tree planting;

#### HISTORIC ENVIRONMENT:

- the proposal would be contrary to Policy E9 due to its impact on the Packington Conservation Area;

#### RESIDENTIAL AMENITIES:

- No.1 Spring Lane is sited at the junction with Normanton Road and is the property that will be most affected by the two proposals for residential development off Normanton Road due to its corner position as it will be surrounded by new housing and be affected by traffic noise;

OTHER:

- concern that approval would set a precedent for further development;
- the development would cause stress and upheaval to local residents, particularly those neighbouring the site;
- upheaval and distress to the local community;
- is it correct that an environmental statement is not required?;
- the application does not have regard to the well-being of residents but is centred on developer profits;
- loss of agricultural land;
- planning permission should only be granted agricultural land that is classified grade 3;
- both applications for housing development in Packington should be considered at the same time and their cumulative impacts should be assessed;
- noise and disturbance during construction and from additional traffic generally;
- concern about changes to the number of dwellings proposed in any subsequent reserved matters applications, should permission be granted;
- neighbours were not notified of significant changes.

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

Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking, which include:

- proactively drive and support sustainable economic development to deliver 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;
- take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage effective use of land by reusing land that is previously developed;
- conserve heritage assets in a manner appropriate to their significance;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling;
- take account of and support local strategies to improve health, social and cultural wellbeing.

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

"Paragraph 14 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting

permission 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."

"32. ...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."

"47. To boost significantly the supply of housing, local planning authorities should:

- 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..."

"49. 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."

"54. ... Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs."

"55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities."

"57. 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."

"59. 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."

"61. 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."

"100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

"112. 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.

"118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
  - proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest; ...
- ...- opportunities to incorporate biodiversity in and around developments should be encouraged..."

"119. The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."

"123. 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..."

"131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

"132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...."

"133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss or all of four other criteria apply."

"134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

"173. 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

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 the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

"203. 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."

"204. 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."

**North West Leicestershire Local Plan:**

The East Midlands Regional Plan (RSS8) has now been revoked and therefore no longer forms part of the development plan. The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application:

Policy S1 sets out 13 criteria which form the strategy for the adopted 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.

Policy E7 seeks to provide appropriate landscaping in association with new development.

Policy E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy E30 seeks to prevent development which would increase the risk of flooding and remove the extra discharge capacity from the floodplain of the River Mease.

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 and circulation and servicing arrangements.

Policy T8 sets out the criteria for the provision of parking associated with development. In relation to car parking standards for dwellings, an average of 1.5 spaces off-street car parking spaces per dwelling will be sought.

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 other things, 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 a number of issues including housing mix, accessibility to centres and design.

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

Policy H8 provides that, where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal.

Policy L21 sets out the circumstances in which schemes for residential development will be required to incorporate children's play areas. Further guidance is contained within the Council's Play Area Design Guidance Note Supplementary Planning Guidance.

Policy L22 provides that major new development will only be permitted where adequate provision is made for open space for formal recreation use.

### **Other Guidance**

#### *Submission Core Strategy*

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

*The Conservation (Natural Habitats &c.) Regulations 2010* (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs).

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

*River Mease Water Quality Management Plan - August 2011* draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition.

*The River Mease Developer Contributions Scheme (DCS) - November 2012* is relevant to development which results in a net increase in phosphorous load being discharged to the River Mease Special Area of Conservation (SAC). It currently applies to all development which contributes additional wastewater via the mains sewerage network to a sewage treatment works which discharges into the catchment of the River Mease SAC.

*The Community Infrastructure Levy Regulations 2010* provide a legislative requirement that an obligation must meet the following tests:

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

*The Technical Guidance to the National Planning Policy Framework - March 2012* provides additional guidance relating to flooding.

*National Planning Practice Guidance - March 2014* supplements the policies in the NPPF. The Guidance does not change national planning policy but offers practical guidance as to how such policies should be applied.

*NWLDC SPD for Affordable Housing - January 2011*

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in Ashby de la Zouch.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within Ashby de la Zouch.

*NWLDC SPG - Play Area Design Guidance - July 2002* sets out the relevant requirements in respect of children's play provision required in association with residential development.

*Packington Conservation Area Appraisal and Study SPG* identifies individual factors considered to have a positive impact on the character of the Conservation Area. These factors include principal listed buildings and unlisted buildings of interest in the vicinity of the site.

## **6. Assessment**

The main issues for consideration in the determination of this application relate to the principle and sustainability of the proposal, visual impact and its impact on the historic environment, trees, residential amenities, highway safety, drainage and flood risk, protected species/ecology and on the River Mease Special Area of Conservation, and the provision of affordable housing and developer contributions.

### **Principle of Development**

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 Local Plan, the site lies outside the 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. As explained further below, however, as a consequence of the Council currently being unable to demonstrate a five-year



supply of housing land, Policy S3 can no longer be considered an up-to-date policy in the context of paragraph 49 of the NPPF as it is a general policy that constrains the supply of housing.

Notwithstanding the countryside location, and whilst the proposal would be contrary to the adopted Development Plan, therefore, 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 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.

As with Policy S3, however, Policy H4/1 being a policy for the supply of housing, can no longer be considered up-to-date due to the inability of the Council to demonstrate a five-year supply of housing land.

Whether or not this site would be considered "appropriate" is a matter of judgement. Insofar as the site's location is concerned, it is located adjacent to the existing built up area of the settlement and would not result in isolated development in the countryside.

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 adopted Local Plan.

#### *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 (an approach to assessing land availability also suggested as appropriate within the recently published National Planning Practice Guidance). On this basis, the District Council's most recent calculations indicate that the Council is only able to demonstrate a supply of 4.7 years which represents a significant shortfall vis-à-vis 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". Therefore the Council would not, in these circumstances, be able to rely on either Policy S3 or Policy H4/1 as they are "relevant policies" for the purposes of NPPF paragraph 49. Whilst members have previously been advised, on the basis of the Stephenson's Green High Court decision that Policy S3 should not be considered to be a relevant policy for

the supply of housing and that accordingly the policy should not be considered to be out of date, a recent judgement from the most senior Judge in the Administrative Court (who is also a specialist Planning Judge) has qualified the position taken by the Judge in the Stephenson's Green case as a result of which it is no longer appropriate to rely on the latter decision.

In *South Northamptonshire Council -v-Secretary of State for Communities and Local Government* (10 March 2014) Mr Justice Ouseley, considering the meaning in paragraph 49 of the NPPF of policies "for the supply of housing", said this:

"46. That phraseology is either very narrow and specific, confining itself simply to policies which deal with the numbers and distribution of housing, ignoring any other policies dealing generally with the location of development or areas of environmental restriction, or alternatively it requires a broader approach which examines the degree to which a particular policy generally affects housing numbers, distribution and location in a significant manner.

47. It is my judgement that the language of the policy cannot sensibly be given a very narrow meaning. This would mean that policies for the provision of housing which were regarded as out of date, nonetheless would be given weight, indirectly but effectively through the operation of their counterpart provisions restrictive of where development should go. Such policies are the obvious counterparts to policies designed to provide for an appropriate distribution and location of development. They may be generally applicable to all or most common forms of development, as with EV2, stating that they would not be permitted in open countryside, which as here could be very broadly defined. Such very general policies contrast with policies designed to protect specific areas or features, such as gaps between settlements, the particular character of villages or a specific landscape designation, all of which could sensibly exist regardless of the distribution and location of housing or other development".

Thus, whilst e.g. Green Wedge or Gap policies may not be caught by Paragraph 49, policies such as S3 and H4/1 that generally restrict development outside of settlement boundaries in open countryside clearly are. In these circumstances Members must be advised to consider both S3 and H4/1 as not being up-to-date policies. In any event, 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 could have been 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.

#### *Sustainability*

In terms of the sustainability of the site, Packington provides a range of day to day facilities, i.e. a primary school, shop, church, village hall, a public house, play area/recreation ground and some small-scale employment sites. There is also a limited public transport service; the No. 7 service currently provides a service Monday to Saturday (approximately every 1.5-2 hours) and serves Measham, Ashby de la Zouch, Atherstone and Nuneaton with a total of 11 buses running per day. The County Council has confirmed that the No.7 service will not be serving Packington going forward due to the No.19 service (Burton to Ashby) now providing an hourly service between Ashby and Measham via Packington from 0746 hrs to 1711 hrs Monday to Saturday.

In terms of distance to amenities, the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' details the distance of 800 metres is considered to be the

preferred maximum walking distance to a town centre with 400 metres acceptable and 200 metres being desirable. The Inspector in the Moira Road appeal referred to the DoT statistics which detail that the average trip length regularly undertaken by the population of Great Britain is, on average, walking about 1Km (0.62 miles), cycling about 4.5Km (2.8 miles) and by bus about 8Km (4.97 miles). Below are the approximate distances from the centre of the site to local facilities and services via the existing footway network:

Bus Stop (outside the Bull and Lion pubic house) - 450 metres  
Primary School - 600m  
Shop - 750m  
Open Space (Measham Road playing field/play area) - 640 metres  
Village Hall - 750 metres  
Public House - 450 metres

The application site is well related to the services/facilities within the village, being within 800 metres (preferred maximum walking distance) of all of the above-mentioned services listed above. The existing highway network within Packington comprises of quiet residential streets and on this basis, it is considered that the quality of the walking experience would be high, which is likely to encourage walking in this location. Furthermore, in order to provide continuous and improved connections to and from the site, the indicative layout shows a new footway on the southern side of Normanton Road, extending from the site access up to the junction with Heather Lane to link the site with existing footway network. The level of services available within the village is considered to be reasonable for a rural village, although the public transport connectivity is considered to be poor.

Ashby de la Zouch is located approximately 2.3km walking distance from the centre of the site, where amongst other services retail, secondary education, a library and GP surgeries can be found. There would be continuous footways available to facilitate pedestrian access to this nearby market town. Furthermore, it is considered that the short distance involved and the relatively low traffic flow along the routes available and local gradients, would encourage cycling. Indeed, the distance between the site and Ashby de la Zouch would also be within the average trip length for cycling (as outlined above).

Given the scale of the development, and when taking into account the site on the northern side of Normanton Road (totalling 72 dwellings), it is not considered that the proposal would result in unsustainable demands on local services and facilities, and contributions have been sought to provide additional capacity within schools, the library and a GP surgery at Ashby de la Zouch, to improve the recreational facilities within the village and to provide bus passes/travel packs and improve bus stops. There is nothing to suggest that the public house and shop would be adversely affected by an increase in residents and it may be the case that additional residents could support and sustain these and other services/facilities.

The site is equally well related to services when compared with the site on the northern side of Normanton Road. On balance, it is considered that and a reason for refusal on the grounds of Packington not being sustainable location for the level of development proposed for this site on an individual basis and cumulatively with the other site off Normanton Road could not be justified, in particular having regard to the other material considerations set out in this report.

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

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

In terms of likely future needs the GL Hearn Leicester and Leicestershire Housing Requirements Study which was used to inform the housing requirement in the now withdrawn Core Strategy includes information regarding future natural change across the district. This Study projected that a 23.4% increase in housing was required across the District from 2006-2031, which was reflected in the now withdrawn Core Strategy.

It is estimated that there are 342 properties in the village of Packington within its main built up area. This proposal for 30 dwellings would represent an 8% increase in the number of dwellings within the village. The 30 proposed dwellings alongside the 5 new dwellings built since 2006 and the outstanding commitments for 1 dwelling would equate to a 10.5% growth in the village since 2006. Therefore, the proposed development on its own, and with additional dwellings/commitments, would represent a lower level of growth than that for North West Leicestershire as a whole. As such it is considered that the proposal would not result in a significant increase in housing development within the village.

When considered cumulatively with the other major housing proposal for the village reported earlier on this agenda (a maximum of 72 dwellings), this would equate to a 21% increase in new dwellings within the village, which would represent a higher level of growth anticipated for the villages than proposed across the District as a whole in the GL Hearn Study. When taking into account new dwellings/commitments this growth increases to 22.5% and 22.8% respectively.

Whilst the level of growth is lower than District-wide figure, it is higher than that envisaged for smaller settlements within the Core Strategy. However, when having regard to the sustainability credentials of Packington and its close relationship with Ashby, it is considered that this level of cumulative development (growth) for Packington is considered acceptable. Members are advised that the level of growth is not dissimilar to that recently approved at Appleby Magna. Packington has a similar level of services within the village but is also well related to Ashby de la Zouch where more services can be found.

#### *Loss of Agricultural Land*

Also of relevance to the principle of releasing the site is the issue of loss of agricultural land. Whilst the site is currently in use as pasture land, the development of the site would result in an irreversible loss to a non-agricultural use.

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Having regard to the five year housing land supply issue as set out above, it would seem inevitable that greenfield land (much of which will be agricultural in terms of use) will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The agent has confirmed that the land would be assigned to Class 3b and therefore, would not be classified as BMV agricultural land. The Agricultural Land Classification maps indicate that the site falls within Class 3 but do not specify whether the land would fall within a 3a (BMV) or 3b (not BMV) classification.

If considering the scenario that the land is potentially BMV land, it is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost (with medium and high impacts defined as those resulting in loss of between 20 and 50ha, and those of 50ha and above respectively). The site is approximately 1.49 hectares in size. It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process, which in this case would be small in scale but irreversible as there are

no areas of open space/landscaping that would be large enough to accommodate an agricultural use in the future.

Nevertheless, if the site were to fall within Class 3a, it is not considered that the proposed development would sit particularly comfortably with the requirements of the NPPF and, in particular, the aims of paragraph 112. However, this would need to be weighed against other material considerations and, whilst there would be adverse impacts in this regard, these concerns would not be so significant as to outweigh the considerations in favour of the scheme. When considered in the context of the five year housing land supply issue, and the benefits of releasing the site to assist in maintaining such supply, it is considered that the potential agricultural land quality issue is not sufficient to suggest that planning permission should be refused, particularly given the relatively limited extent of the potential loss (i.e. 1.49ha).

#### *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. For reasons which have been outlined above, however, this Policy cannot be considered as being up-to-date in the context of Paragraph 49 of the NPPF.

The site is equally well related to services when compared with the site on the northern side of Normanton Road. However, it is considered that on balance that and a reason for refusal on the grounds of Packington not being sustainable location for the level of development proposed for this site on an individual basis and cumulatively with the other site off Normanton Road could not be justified, in particular having regard to the other material considerations set out in this report, including the need for the District to release land for housing to ensure the provision and maintenance of a five year supply of land (with a 20% buffer) 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) is an important material consideration.

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to economic growth associated with the proposed development in terms of jobs and the creation of new households, coupled with the role played in contributing to housing land supply, its proximity to services/facilities, the provision of affordable housing and contribution towards play area provision and the inclusion of appropriate contributions to local services would ensure that the scheme would sit well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, as set out in more detail below, the proposed development would not result in any unacceptable impacts on the natural, built or historic environment. Having regard to all of the above in the overall balance, it is considered that the proposal would be a sustainable form of development, and, therefore the proposed development of the site is acceptable in principle.

#### **Access and Highway Safety**

All matters are reserved for subsequent approval except for access. Whilst the illustrative layout shows internal access roads and pedestrian links through the site, these would be a matter for the reserved matters stage(s).

The Highways Agency has no objection in relation to impact on the strategic highway network (M42/A42).

Concerns have been raised by local residents including the speeds of traffic, the suitability and capacity of the village road network to cope with the traffic generated by this and the other major housing schemes currently proposed, increased potential for conflict between vehicles and between vehicles and pedestrians, the adequacy of visibility from the proposed access and other nearby road junctions, the close proximity of the proposed access to a number existing road junctions and a sharp bend in the road and the proximity of the proposed access to that of the other proposed development on the opposite side of the road.

The County Highway Authority has been consulted on the application and raised no objections subject to conditions and contributions to be secured in a legal agreement which are considered in a separate section below.

Access to the proposed development site would be provided by a new single point of access off Normanton Road. The other existing vehicle access at the junction of Heather Lane and Normanton Road would be closed. The access would be provided approximately 24 metres to the south east of the existing access at Spring Lane and full visibility splays would be achieved in both directions due to the depth of the highway verge at this point.

The County Highways Authority is satisfied that visibility can be provided in accordance with the guidance contained in the '6 C's Design Guide' taking into consideration the speed of vehicles in both directions. The County Highways Authority has also confirmed that the proposed access has appropriate junction separation from other existing junctions. With regard to concerns about the location of the other proposed access opposite the site, the County Highways Authority has confirmed that spacing between the two proposed accesses is appropriate and so the proposal would not lead to demonstrable harm to highway safety.

The County Highways Authority has advised that when having regard to the generally lightly trafficked nature of the road network in Packington, and given that traffic would be greatly dispersed before it reached junctions on the network that are at, or approaching their capacity being exceeded, queuing and congestion in the peak hours is unlikely to be of any concerns as part of an assessment of the impact of the proposed traffic from the two residential schemes currently proposed on either side of Normanton Road, either alone or in combination. Therefore, the County Highways Authority raises no concerns in relation to the proposal on its own or in combination with the development proposed opposite adversely affecting the capacity of the village road network. The proposal is considered acceptable for the purposes of T3 and T8 of the Local Plan.

Based on the above it is considered that the proposal would not result in a severe impact on highway safety and as such it is considered that a highway safety reason for refusal could not be sustained in this case.

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

Located on the south eastern edge of the settlement, this area of Packington is not heavily populated with residential dwellings and, therefore, it is not considered that the increased traffic using local roads generally as a result of the proposed development would lead to unacceptable impacts on residents' amenities. It is accepted that vehicles travelling towards the Ashby and Measham, as well as the A42 and A511 would pass through the village. In coming to this conclusion it is noted that the Council's Environmental Protection Team raise no objections to the proposed development in terms of noise or pollution.

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 30 units could not be provided on the site in a manner which would not adversely impact upon neighbouring residential amenities.

### **Design**

The proposed scheme has been assessed by the District Council's Urban Designer, and rated in accordance with CABI's new Building for Life criteria which scores on the basis of red/amber/green rather than being a point based scoring system. The Council's Urban Designer reviewed the original proposals and considered that the indicative layout would fail to meet the Building for Life criteria. The Council's Urban Designer has been involved in extensive discussions with the applicant during the course of the application and a revised indicative layout plan has been submitted. The Council's Urban Designer considers that the amended indicative proposals establish good design principles for the layout of the proposed development, orientation of dwellings, arrangement of streets and spaces, neighbourhood connections and landscaping. The Urban Designer considers that subject to Building for Life 12 (BfL12) being used as a reference tool and assessment tool for the design development and assessment of any future Reserved Matters application, the scheme would offer a good standard of design as measured by BfL12 and would comply with the relevant Development Plan policies and advice in the NPPF.

### **Density**

The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances. Local Plan Policy H6 provides that residential development should meet a minimum density of 30 dwellings per hectare within locations well served by public transport and accessible to services. The former advice in PPS3 provided that net dwelling density includes those site areas which will be developed for housing and directly associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children's play areas. Whilst this has now been superseded in the NPPF the methodology contained within it for working out net dwelling density would, in the absence of any other guidance in the NPPF or Local Plan, still be relevant.

The proposal results in a density of 23.4 dwellings per hectare for the whole site but clearly the net density would be lower when factoring in the landscaping, buffer zones, SUDS etc that would also need to be provided on-site.

When having regard to those parts of the site that would not be developed for housing or directly associated uses, along with the existing density of the surrounding area and the location of the development on the edge of the settlement, it is considered that a reduced density in comparison to that advised in Local Plan Policy H6 is acceptable in this instance.

### **Character of the Area and Visual Impact**

The application has been accompanied by limited information regarding the existing landscape and character and how the development would assimilate into its environs. The indication is that these details would be provided at the Reserved Matters stage should permission be granted. Nonetheless, these matters are pertinent to considerations at the outline stage and should be assessed.

Packington is located within an undulating agricultural landscape and the site, along with the adjoining arable fields provide the rural setting for the village when travelling along Normanton Road, as well as forming part of the edge to the village's main built up area. The proposed site is located within a dip in the landscape as land rises towards the east away from the settlement.

The site forms part of a larger field and to the rear of the application site, land levels drop in a south westerly direction before rising again in the fields beyond. The site is bordered on three sides by mature hedgerows interspersed with trees and, therefore, is afforded some existing natural screening. The southern boundary is currently open but the southern boundary of the wider field of which the site forms part is occupied by a mature hedgerow interspersed with trees which provides some natural screening, albeit at a lower level than the application site.

The site is most prominent in views from Normanton Road, Heather Lane and the southern end of Spring Lane. The site is currently well screened along the highway boundary but glimpses of the site (and the open countryside beyond) are available through the two vehicular access points along the site's frontage where there is a break in the hedgerow. Glimpses of the site are also available from Redburrow Lane to the east of the site (which is on higher ground) where there are breaks in the hedgerow, although the site would be separated from Redburrow Lane by a field. Longer distance views of the site are available from public footpaths to the south of the village where land levels rise. The existing properties fronting Heather Lane are also visible from the footpath network to the south of the site.

The site and its boundary treatments are important elements of the setting and approach to the village. Hedgerows/trees form strong boundaries and most of the frontage hedgerow along Normanton Road could be retained, which would assist with screening the development. The boundary hedgerows, which create a strong sense of enclosure to the site and form an important part of the character of the village and the layout could be designed to ensure they are not significantly adversely affected.

Development would be prominent in views from the public footpaths to the south of the site due to the lack of boundary treatment and land levels. However, some screening is provided by other intervening landscaping and is it considered that the layout could be designed to ensure that a landscaping strip is provided along the southern edge of the site to provide screening for the development and soften the edge of the built development on the site.

Some of the hedgerow/trees along the site's frontage would be lost to allow for the formation of the vehicular access, therefore, opening up views into the site and making development on the site more prominent in immediate views from within the village.

The application site abuts the settlement boundary and development on the site would be viewed against the backdrop of existing development or adjacent to existing built development and therefore, would not appear an isolated development in the countryside. The extent of the application site (excluding the balancing pond area) would relate reasonably well to the rear boundaries of existing residential properties fronting Heather Lane, although it is accepted that the development of the site for housing would have a more built up appearance than the current rear gardens of these properties.

Whilst the site contributes to the form and setting of the village and its semi-rural character in this location, in close and long range views the sensitivity of the site is limited, as it is effectively a large open field with no particularly distinctive characteristics.

Therefore having regard to all of the above considerations (including the proximity of the site to existing development and the settlement boundary, the topography of the surrounding landscape, existing soft landscaping and the scope for mitigation in the detailed layout, design and landscaping of the scheme), whilst there would be moderate and localised harm to the countryside it is considered that it would be limited and not be so significantly detrimental to justify a reason for refusal based on the proposal resulting in an adverse impact on the



character of this locality and the countryside.

Overall, therefore, subject to a Section 106 to secure National Forest planting, and subject to an appropriate form of development being proposed at the reserved matters stage(s), it is considered that the landscape and visual effects of the proposed development are acceptable for the purposes of Policies E4 and H7 of the Local Plan and the provisions of the NPPF.

### **Historic Environment**

The Packington Conservation Area lies approximately 200 metres to the west of the site/ 180m to the north west of the site and the nearest listed building is the Grade 2 listed Packington House lying approximately 300 metres to the north. The Conservation Area and listed building are designated heritage assets as defined in the NPPF. The site may also contain buried archaeological remains (discussed in the archaeology section below) and these would also form a heritage asset.

The site is well separated from the Conservation Area by intervening residential development. The site would not be highly visible within views of or from the Packington Conservation Area, although it is acknowledged that some glimpses of the site would be available within views along Heather Lane/Normanton Road. When having regard to the distances involved and the nature of the intervening twentieth century development, it is not considered that the development of the site for housing would adversely affect the setting of the Packington Conservation Area.

Packington House lies to 300 metres to the north of the site and has the following listing description:

*House of late C18 and early C19. Red brick with brick dentilled eaves and plain tile roof with end stacks. Twin span, one of each date. The present entrance front, the earlier, is of 3 storeys, Flemish bond, stone coped gables, and 3 sashes: 3/3 2nd floor and 6/6 below. Stucco lintels and stone sill bands. Early C20 bay to left of central simple doorcase and canopy with part glazed 6-panelled door and overlight. 3 storey 1 window extension to right: attic 4/8 sash with casements below. 1 storey extension to left. The rear front is of 3 storeys of 4 windows grouped vertically in projecting brick sections. 3/6 sashes, flat lintels, to 2nd floor, and 6/6 cambered lintels, below. Stone sills. Centre right section has round arched doorcase: tripartite with narrow 3-pane light either side of 4-panelled door. Right end rendered; on left end extension with casements.*

The proposal would not affect the built fabric of this listed building but consideration needs to be given to the impact of the proposed development on the setting of Packington House. The building's setting is compromised somewhat to the immediate north by the presence of a modern two-storey dwelling but to the south and south east, the rural setting of Packington House survives. Any detailed design proposals for the site would need to have due regard to the potential impact of development on the setting of this listed building.

The application site is separated from the listed building by Normanton Road, Spring Lane and a triangular piece of land. Both the application site and the field opposite (which is also being considered for residential development) are bordered by mature hedgerows interspersed with trees. When having regard to the distances involved, the topography of the land and the intervening vegetation, it is considered that the site is capable of accommodating the amount of development proposed without adversely affecting the setting of this heritage asset. Furthermore, it is also considered that the proposal either alone or in combination with the proposed development on the northern side of Normanton Road (also being considered by Members) would not adversely affect the setting of this heritage asset.

It is therefore considered that the proposal could be harmful to the significance of the heritage assets but that this would be unlikely to involve substantial harm or total loss of significance for the reasons set out above. Therefore, the proposals amount to less than substantial harm to the significance of the heritage assets and would not result in significant detriment to the special architectural or historic interest, character or setting of the nearby listed building and would not adversely affect the character and appearance of the Conservation Area, thereby sustaining the significance of these heritage assets.

Paragraph 134 of the NPPF requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal, including securing its optimum viable use. The harm to the heritage assets is in this case considered on balance to be outweighed by the provision of 30 new homes to contribute to the District's housing land supply (which is currently at less than five year supply) which includes affordable homes, contributions towards improving capacity within existing public services and under the River Mease DCS which will improve the quality of the River Mease SAC.

### **Archaeology**

Paragraph 129 of the NPPF requires local authorities to identify and assess the particular significance of heritage assets that may be affected by a proposal, and this assessment should inform the consideration of the impact of the proposal on a heritage asset in order to avoid or minimise conflict between the heritage assets conservation and any aspect of the proposal.

The Leicestershire and Rutland Historic Environment Record (HER), indicates that the proposed development lies in an area of potential archaeological interest, adjacent to the medieval and post-medieval historic settlement core of Packington. Whilst appraisal of the HER indicates that little or no previous archaeological investigation has been undertaken within or in the vicinity the development area, the peripheral situation of the site, supported by consideration of aerial photographic evidence indicates that the site lies within the open fields surrounding the historic village.

Appraisal of available aerial photographs suggests the presence or former presence of ridge and furrow earthworks within the site, indicating the site lies within the former extent of the openfield system that would have surrounded Packington through much of the medieval and post-medieval periods. The County Archaeologist advises that this indicates that the area has a low potential for significant medieval or later archaeological remains.

The villages of Leicestershire and the wider English Central Midlands, appear to have evolved alongside their open field systems, during the later 1st millennium AD, the earliest reference we have to Packington comes from the Domesday Book (late 11th century), at which point it is in the possession of the St Mary's Abbey, Coventry. The village name, however, indicates an earlier Anglo-Saxon origin for the settlement, at a time when the landscape seems to have comprised a more dispersed scatter of hamlets and farmsteads. It is possible that elements of this earlier landscape survive with the application area. It should also be underlined that in the absence of evidence to the contrary, the presence of earlier Roman or prehistoric archaeological remains cannot be dismissed

Buried archaeological evidence spanning the period from the prehistoric to the earliest evolution of the village (potential yet unidentified heritage assets) could be present within the development area. Paragraph 141 of the NPPF states 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 and the impact of development. Therefore,

the County Archaeologist has no objections to the proposal subject to the imposition of conditions for an appropriate programme of archaeological investigation and recording in order to safeguard any important archaeological remains potentially present on the site. Subject to conditions, it is considered that the proposal would comply with the provisions of the NPPF.

### **Trees**

An arboricultural report has been provided during the course of the application, which considers the implications of the development of the site on 7 trees along the site frontage around the proposed access position. All but one of these trees are located outside the boundaries of the site, within the public highway. The tree within the site (identified as T1) lies to the west of the proposed access position and is identified as being in poor condition with limited life expectancy. The remaining six trees (T2-T7) are located just outside the site within the highway and are identified as trees of low to moderate condition with two (T5 and T6) being unsuitable for retention due to structural defects.

The current vehicular access to the site comprising a hardsurfaced splayed track lies between trees T3 and T4 and therefore, to some extent, the roots of these trees will already have been affected by these works. The proposed access position would require the removal of tree T3 and would encroach into the root protection areas of trees T2 and T4 where the root protection zone extends outside the canopy of the tree and the highway construction works would be required under/close to the canopy of the tree. All of these trees are identified within the submitted tree survey as being in moderate physiological condition with a life expectancy of 20 years.

None of the trees that would be affected are formally protected by a Tree Preservation Order and therefore, could be removed by the County Highways Authority (the current land owners) at any time. There is potential for the access/highway works to affect the trees but the extent to which this would affect their life expectancy is unknown.

Notwithstanding alterations to the indicative layout to show how pedestrian access could be amended to reduce works in the highway, the Council's Tree Officer raises concern about the loss of tree T3 and the potential impacts arising from proposed access upon trees T2 and T4. However, the concerns of the Tree Officer have to be weighed against other material considerations and, whilst there would be some adverse impacts in this regard, these concerns would not be so significant as to outweigh the considerations in favour of the scheme. When considered in the context of the five year housing land supply issue, and the benefits of releasing the site to assist in maintaining such supply, it is considered that the potential loss of/harm to unprotected trees is not sufficient to suggest that planning permission should be refused.

### **Drainage and Flood Risk**

Concerns have been raised by residents in relation to the capacity of the local drainage network and the proposal contributing to existing flooding problems in the area.

The site lies within Flood Zone 1 and as it is over one hectare in size, a Flood Risk Assessment (FRA) has been submitted. With regard to flooding of the land, the FRA provides that as the site is not at risk of fluvial flooding in storm events up to 1 in 100 years which means that the site has an estimated annual probability of flooding of less than a 0.1% chance in any given year and is appropriate for development. Hydraulic modelling also shows that the development on the site would be located beyond the extents of flood zones 2 and 3 for the watercourse flowing adjacent to the site. The vulnerability of the development to flooding from all other sources, such as pluvial, sewerage, groundwater and artificial water bodies has been assessed

and found to pose only a low risk to the development, subject to mitigation measures being implemented.

With regard to flooding from the land, the FRA provides that the primary flood risk generated by the new development is most likely to be the risk posed to others by surface water run-off. The existing site is greenfield with no hardsurfaced areas and does not benefit from an existing surface water drainage network. Therefore, surface water conveys overland towards the watercourse flowing alongside the western boundary of the site. The proposed development of the site would include impermeable areas, which would generate larger flows and volumes of run-off. Therefore, it is recommended that surface water drainage arrangements for any development on the site should be such that the volumes and peak flows of surface water leaving the site are no greater than greenfield rates of run-off. The FRA provides that the development would mimic surface water flows from the undeveloped site and discharge post development flows into the watercourse adjacent to the site. Drainage on the site would be designed in accordance with sustainable principles and attenuation will store flows up to the 1 in 100 year (+30% climate change allowance) event and limit outflows to Greenfield discharge rates.

The Environment Agency have been consulted on the application and considers the development to be at low risk of flooding and has no objections to the proposal subject to a condition concerning surface water drainage based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. They have also advised that there should be no raising of ground levels or the storage of materials within the 100 year flood plain extent and that there should be no buildings, structures or alterations to ground levels within 4m of the top of the bank of any watercourse,

Severn Trent Water has been consulted on the application but no comments have been received. A chasing request has been made and should any comments be received, they will be reported to Members via the update sheet. Consideration of the capacity of STW's treatment works is set out below in the section relating to impact on the River Mease SAC. Natural England has no objections to the application proposals.

Given the lack of objection from the Environment Agency it is considered that a reason for refusal relating to flood risk and capacity of the drainage system could be not justified.

### **Impact on the River Mease Special Area of Conservation/SSSI**

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. A tributary of the River Mease runs alongside the western boundary of the site and the River Mease itself is within 200m of the site. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to national planning guidance in the NPPF. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The River Mease Water Quality Management Plan (WQMP) has been drawn up to ensure there is no adverse impact on the SAC from further development and includes an action to establish a developer contribution framework to fund a programme of actions to restore and provide new benefits to the river. The River Mease Developer Contribution Scheme (DCS) has been produced to meet this action of the WQMP so that the costs of improving the quality of the water

in the river are met by potential developers. The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS has been assessed against and is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations, which are also set out at paragraph 204 of the NPPF.

Local concern has been raised about the capacity of Severn Trent Water's receiving treatment works at Packington to accommodate the proposed development. The flows from the new dwellings need to be taken into account against the existing headroom at Packington. At March 2013, the capacity was available for 1076 dwellings but this is reduced by the number of dwellings that have already received a permit from Severn Trent Water and/or are under construction, and by the number of dwellings that have been granted planning permission. Taking these into account the capacity available at the treatment works is reduced. However, it has been confirmed that there is capacity available at Packington Treatment Works to accommodate the proposed development, especially given the impending closure of the Arla site in Ashby which will add approximately 1900 additional houses to the headroom figure in the 2013 capacity report, and as such raise no objection to the proposal.

When having regard to the existing use of the site, the proposal for 30 dwellings would increase the foul drainage discharge from the site and as such it is subject to the requirements of the DCS. The application proposes that foul drainage would be dealt with via the mains sewer system and confirms that the applicant will pay the required contribution under the DCS.

However a condition requiring that only a mains connection is used at the site would be required as the use of other means for foul drainage discharge could adversely affect the SAC. The western boundary of the site abuts a stream which feeds into the Gilwiskaw Brook which is a tributary of the River Mease and as shown on the indicative layout, there is sufficient space within the site to accommodate the proposed number of dwellings with a 5m buffer zone along the western boundary between properties and the stream in order to prevent any direct impact on its channel and banks. The Environment Agency has confirmed that there should be a 4m buffer from the top of the bank of the stream where no new buildings or raising of levels should occur, and therefore, this would need to be controlled by condition.

It is proposed that surface water from all elements of the proposal will discharge into a sustainable urban drainage scheme on site to ensure that unnecessary water volume does not go to the sewage treatment plant and this can be required by condition. Subject to the imposition of conditions concerning the storage and disposal of surface water run-off from the site, the Environment Agency are satisfied with the proposal.

Natural England has no objections in relation to impact on the SAC/SSSI subject to a condition. Therefore, it can be ascertained that the erection of 30 dwellings on the site will not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

### **Protected Species/Ecology**

The application submission was accompanied by an Ecology Report which found no evidence of protected species on site but noted that some of the larger trees around the site may offer potential roost sites for bats and may require further survey work if they are to be removed/pruned. The report found that an inspection of the newer building on the eastern side of the site may also be required prior to demolition works and recommended that works involving the removal of vegetation/buildings that may be potential nesting sites for breeding

birds should be undertaken outside the breeding season. The report also concluded that the eastern section of the hedgerow fronting the site was found to meet the criteria for a Local Wildlife Site (LWS) but the grassland on the site would not meet LWS criteria.

The County Ecologist has been consulted on the application and initially raised concern about the lack of consideration given to badgers within the Ecology Report. The applicant's ecological consultant has since confirmed that although not mentioned specifically within the report, they were included within the field survey and as no signs of badger use were found on the site and covered in the report by the phrase 'no evidence of other protected species was found on the site'. The County Ecologist is satisfied that no further badger surveys are required at this time but as they are known within the vicinity of the site, an updated badger survey should be provided prior to development commencing on site.

The County Ecologist has raised concern about the removal of trees which may have bat roosting potential. The agent has advised that two of the trees recommended for removal within the arboricultural report which have deadwood and decay present, have potential for roosting bats. The consulting ecologist advises that a precautionary bat survey would need to be undertaken prior to the felling of the trees to ensure that protected species are not adversely affected by the development. Should the further survey demonstrate that there would be a loss of bat habitat, the agent has suggested a condition requiring the creation of additional habitat as mitigation.

The County Ecologist has been consulted on this issue but a response had not been provided at the time of writing this report. Any comments received will be reported to Members via the update sheet.

The site lies within the catchment of the River Mease Special Area of Conservation (SAC) and consideration of the potential impacts of the development on this designated site have already been covered in the section above.

Natural England raises no objection to the proposed scheme. Therefore, subject to the imposition of suitably-worded conditions the submitted scheme is considered acceptable in ecological terms.

### **Developer Contributions**

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

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

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

### *Healthcare*

NHS England have sought £10,093.91 towards the costs of providing additional accommodation at Ashby Health Centre for additional patients arising from the development. The North Street Practice currently has capacity to manage additional patients based on the current patient ratio split between the two practices. No issues have been raised with regard to the cumulative impacts on healthcare provision of the proposal and the other major housing application for Packington reported elsewhere in this agenda. The applicant has confirmed their agreement to pay this developer contribution.

### *Libraries*

Leicestershire County Council is seeking a contribution of £2140 to provide additional capacity at Ashby de la Zouch Library, which is the nearest library. The applicant has confirmed their agreement to pay this developer contribution. LCC has been re-consulted following the reduction in the number of dwellings proposed and any revised comments will be reported to Members via the update sheet.

### *Education*

Leicestershire County Council is seeking the following contributions to provide additional places at the nearest schools where there is no capacity:

- a contribution of £62,566.60 is sought for the high school sector as there would be a deficit of 28 pupil places (4 created by the development) within high schools within a 3 mile walking distance of the site.

- a contribution of £64,243.06 is sought for the upper school sector as there would be a deficit of 119 pupil places (4 created by the development) within upper schools within a 3 mile walking distance of the site.

No contribution is sought for the primary school sector as there is currently an overall surplus for the area of 13 places when taking into account primary schools within a 2 mile radius of the site. The applicant has confirmed their agreement to pay this developer contribution.

LCC has been re-consulted following the reduction in the number of dwellings proposed and their comments are awaited. Furthermore, the District Council has sought to clarify the position in terms of any cumulative impact from the two major housing schemes considered on this Agenda to ensure any resulting school deficit could be met through an appropriate financial contribution. Any revised comments will be reported to Members via the update sheet.

### *Play Area/Open Space*

Under the District Council's Play Area Supplementary Planning Guidance, on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that 30 dwellings are proposed, this would require a play area of not less than 600 square metres. No on-site children's play area is proposed as part of this proposal and instead it is proposed to make a contribution towards the existing open space at the recreation ground off Measham Road of £1235 per dwelling (£37,050), which would allow the Parish Council some flexibility as to how the money is spent. The applicant has confirmed their agreement to pay this developer contribution.

The Council's SPG regarding children's play areas specifies that a commuted sum may be acceptable for sites that are within a reasonable walking distance of 400 metres. The distance to the existing play area/recreation ground is around 640 metres, which would be in excess of the 400 metres walking distance as suggested in the SPG. However, guidance in Building for Life indicates that a point should be awarded for community facilities (such as play areas) being within a short distance (defined as 800 metres), and the proposals would satisfy this criterion. Taking into account the alternative distance recommended under Building for Life (which the Council has adopted as a design quality indicator), it is considered that a commuted sum towards upgrading and improving the existing play area in the village would be acceptable in this instance. An obligation relating to management plans for any open space, landscaping and SUDS to ensure that the land is properly established, maintained and managed in the future would also be required.

### *Affordable Housing*

Under the Council's Affordable Housing SPD, 30% affordable housing is required on sites of 5 dwellings or more, and this would equate to 9 dwellings for the current proposal. The applicant is proposing that 8 of the dwellings be affordable, which would just fall short of the requirements of the SPD. The Council's Strategic Housing Team have been consulted on the application and have advised that they are satisfied with the reduced provision in this case, on the basis that the affordable housing provision includes two single storey units (two-bed), there are no age restrictions attached to these properties and they are provided as affordable rented properties.

### *Highways Contributions*

The County Highway Authority has also requested the following contributions to encourage sustainable travel to and from the site, achieve modal shift targets, and reduce car use:

- (i) Travel Packs - to inform new residents from first occupation what sustainable travel choices are in the surrounding area;
- (ii) Six-month bus passes, two per dwelling (2 application forms to be included in Travel Pack 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;
- (iii) Improvements to the two nearest bus stops (including raised and dropped kerbs to allow level access) - to support modern bus fleets with low floor capabilities - £3263.00 per stop;
- (iv) Information display cases at the two nearest bus stops - to inform new residents of the nearest bus services in the area - £120.00 per display.
- (v) contribution towards equipping the nearest bus stop(s) and suitable bus route with Real Time Information (RTI) system.

The Highway Authority has previously advised that the contributions are related to the new development as they seek to make bus services more attractive and encourage their use by future residents of the development, and to encourage behavioural shift in terms of travel choice at an early stage before car use becomes ingrained. Furthermore, the Highway Authority has considered that development would not be acceptable without these measures, as without them there is likely to be less use of buses and more car journeys. Consequently the development will be less sustainable, congestion on the network would increase, and the policies in LTP3 would not be complied with.

The Highway Authority also requests agreement of a construction traffic route which is considered to be necessary in this case given the site's proximity to residential areas and the village centre and that although existing weight restrictions are in place they would not prevent HGVs from passing through the village to access the site itself. The County Highways Authority also advises that the routing agreement will enable the Authority to prevent construction traffic from using unsuitable routes in the interests of highway safety. The applicant has confirmed their agreement to the requested developer contributions/requirements. LCC has been re-consulted following the reduction in the number of dwellings proposed and any revised comments will be reported to Members via the update sheet.

### *River Mease DCS*

A contribution under the River Mease DCS is required (as outlined earlier in the report) but an exact figure for the contribution cannot be determined at this stage (although the maximum amount would be £10,620) as the number of bedrooms in each dwelling would not be finalised until the reserved matters stage.



### *National Forest Company*

The application site extends to 1.49ha and the National Forest Planting Guidelines require 20% of the site area to be for woodland planting and landscaping. This would equate to an area of 0.29ha and would need to be secured through a Section 106 agreement as either on-site, off-site or by way of a financial contribution equating to £5,800. The applicant's agent has confirmed agreement to the inclusion within a S106 agreement of a requirement for the provision of planting as set out by the National Forest Company.

### *Other Contributions*

No requests for contributions have been received from Leicestershire Police, the Council's Leisure team and the County Council has advised that a contribution towards civic amenity sites is not required.

### *Summary*

Overall, it is considered that the proposed obligations would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations, and would represent appropriate contributions towards the infrastructure and other needs of the proposed development. The applicant has agreed to all of the above obligations in principle and the legal agreement would be negotiated following any resolution to grant planning permission. The District Council would continue negotiations with consultees and the applicants to ensure the appropriate level of contributions that have been sought could be secured through a S106 agreement.

### **Other Matters**

The site lies approximately 800 metres to the east of the proposed route of HS2. Any potential adverse effects on residents would be expected to be limited due to mitigation measures to be included in the HS2 design having regard to the need to protect nearby dwellings. However, it is considered that only limited weight can be attributed to HS2 as a material planning consideration at this stage in HS2's development. The Government is currently consulting on the proposed Phase 2 (i.e. West Midlands to Manchester and Leeds) connections, and the route is not fixed at this time; Phase 2 is not currently subject to the safeguarding mechanism which applies to the Phase 1 (London to West Midlands) section.

In respect of the concerns raised in the letters of representation that have not been addressed above, impacts on views and lifestyle, the capacity of the electricity supply and broadband networks are not planning matters that can be taken into account in the determination of planning applications. Matters relating to noise and disturbance during construction works are covered by separate Environmental Health legislation. Other sites will be affected by a different set of circumstances and it is a fundamental tenet of the planning system that every application is determined on its own merits. If any further applications are submitted for the site then they will also be considered on their own merits. Consideration is given to all policies set out in the Local Plan and the NPPF when assessing planning applications.

### **Conclusions**

As set out in the main report above, whilst the site is outside the Limits to Development in the adopted Local Plan and constitutes greenfield land, such general policies that restrain the supply of housing are to be considered as not up-to-date given the inability of the Council to demonstrate a five-year supply of deliverable housing land. Thus the site's release for housing is considered suitable and will contribute towards meeting the District Council's obligations in respect of housing land supply (and the approach taken in respect of such within the NPPF). Packington is a sustainable location for the level of development proposed for this site and the proposal would not result in a significant increase in housing development within the village.

It is considered that the site is of sufficient size to accommodate the number of units proposed, without resulting in any significant adverse effects on the character of the area and the historic environment, trees and ecology, residential amenities, highway safety issues, flood risk, drainage or the River Mease SAC/SSSI, and no other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities/services.

The proposed development would, overall, therefore be considered to constitute sustainable development as defined in the NPPF and, as such, benefits from a presumption in favour of such development as set out in that document. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

**RECOMMENDATION, PERMIT, subject to the signing of the Section 106 Agreement and the following condition(s):**

- 1 Outline permission
- 2 Submission of Reserved Matters
- 3 Reserved Matters to include finished floor levels/ground levels
- 4 Reserved Matters to include buffer zones of at least 5m from natural vegetation along the boundaries of the site which except for the proposed
- 5 Approved plans
- 6 REM landscaping to include an ecological/landscape management plan
- 7 Updated badger survey (pre-commencement)
- 8 Bat survey of all felled trees
- 9 REM accompanied by a further Building for Life assessment
- 10 Retention of hedgerows
- 11 Details of surface water disposal including SUDS
- 12 Construction management statement for the site (pollution management) to protect the River Mease
- 13 Development in accordance with FRA and specified mitigation measures
- 14 No raising of ground levels or storage within 100 year floodplain
- 15 No buildings (including sheds, cycle storage or garages), structures (including gates,

- walls and fences) or raising of ground levels within 4m of the top of any bank of any river/watercourse
- 16 Mains sewer system only
  - 17 Tree Protection including protective fencing to RPA of trees/hedgerows to be retained on/overhanging the site, design and method statement for
  - 18 Restriction on times for destruction and removal of vegetation (bird breeding)
  - 19 Bat survey of trees to be felled
  - 20 Programme of archaeological work
  - 21 Completion of archaeological site investigation and post investigation assessment
  - 22 Off-site works to Normanton Rd (footways and street lighting) and gateway village entry treatment
  - 23 Access details and surfacing
  - 24 Highway drainage
  - 25 Obstructions to vehicular access - 7m set back distance
  - 26 Access gradient
  - 27 Construction traffic site management plan
  - 28 Closure of existing accesses

### Notes to applicant

- 1 Positive and proactive statement
- 2 County Highways Authority notes:
  - works in the highway
  - LCC Lead Local Flood Authority- SUDs
  - permits/agreements under the Highways Act
  - Section 38 agreement
  - highway boundary
  - CBR tests
- 3 Advice of the County Ecologist
- 4 Bats and breeding birds advisory notes
- 5 Coal Authority notes.
- 6 The Council's Urban Designer recommends a note to applicant to highlight that there would be an expectation from the Local Planning Authority that the scheme draws inspiration from the positive and distinctive characteristics of the village through layout, form and appearance (including materials). Consideration must also be afforded to the setting of the nearby listed building, key views into the site, the relationship of the site to Normanton Road and to softening the boundaries where it meets the open countryside beyond to avoid an abrupt end to built form within the village. The indicative layout of the outline application should inform future design development as these establish key

design principles for the layout of the development, building orientation, structural landscaping and street types.

7 Advice of the Environment Agency dated 31 January 2014.