

**Demolition of existing buildings and redevelopment for 43 dwellings, a new village hall, formation of vehicular and pedestrian access points and associated infrastructure
Priory Nursery Garden Centre Ashby Road Breedon On The Hill Derby DE73 8AZ**

**Report Item No
A1**

**Application Reference
18/02198/FULM**

**Grid Reference (E) 440205
Grid Reference (N) 322878**

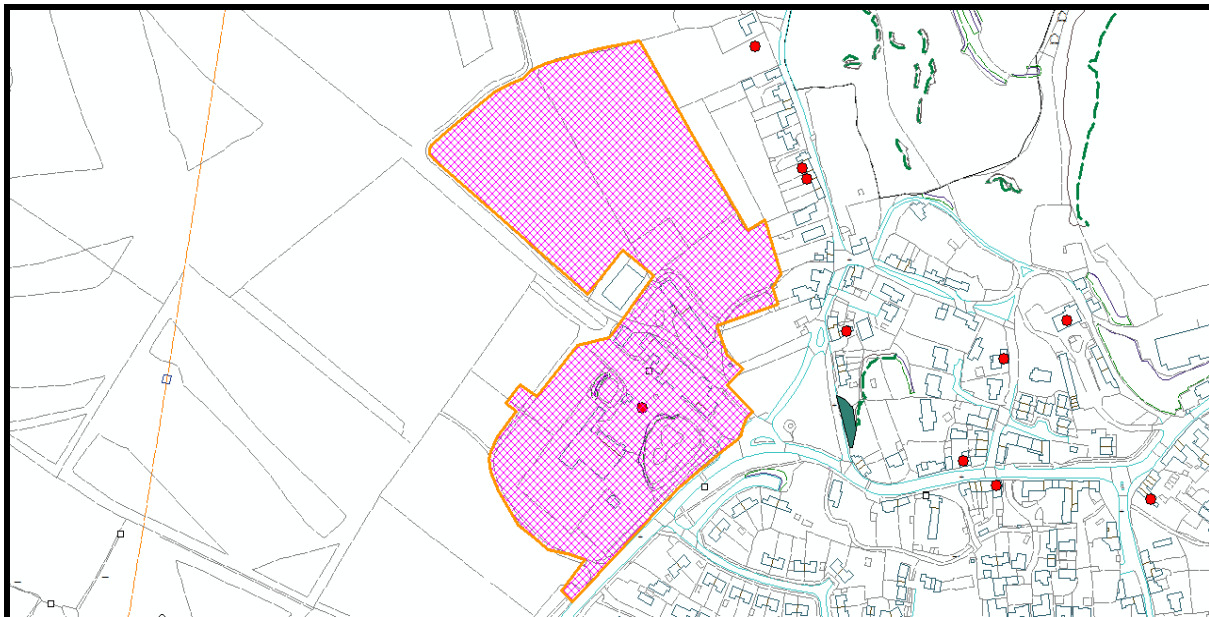
**Date Registered:
12 December 2018
Consultation Expiry:
6 January 2019
8 Week Date:
13 March 2019**

**Applicant:
Cameron Homes Limited**

**Case Officer:
Adam Mellor**

**Recommendation:
PERMIT subject to S106 Agreement**

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

This application has been brought to the Planning Committee for determination on the basis that part of the development is contrary to the provisions of the Local Plan (residential development on a greenfield site outside the defined Limits to Development) and is recommended for permission as well as the application being of significant public interest.

Proposal

Planning permission is sought for the demolition of existing buildings and the redevelopment of the site to provide 43 dwellings (38 market and 5 affordable properties) and a new village hall at Breedon Priory Nurseries, Ashby Road, Breedon on the Hill.

Consultations

Objections have been received from third parties. No objections have been received from statutory consultees with a revised response from the County Highways Authority awaited.

Planning Policy

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

Conclusion

The key issues in relation to the application are considered to be:

- The principle of the development and re-use of previously developed land;
- Design, density, housing mix and impact on the character and appearance of the streetscape;
- The impact on heritage assets;
- Residential amenity;
- Highway safety;
- Ecology; and
- Drainage and flood risk.

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies, including the adopted Good Design for North West Leicestershire SPD, and the NPPF (2019).

RECOMMENDATION - PERMIT, SUBJECT TO A LEGAL AGREEMENT AND CONDITIONS AND THE RECEIPT OF FURTHER COMMENTS FROM LEICESTERSHIRE COUNTY COUNCIL HIGHWAYS AUTHORITY.

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

1. Proposals and Background

Planning permission is sought for the demolition of existing buildings and redevelopment for 43 dwellings, a new village hall, formation of vehicular and pedestrian access points and associated infrastructure at Breedon Priory Nurseries, Ashby Road, Breedon on the Hill. The 5.71 hectare application site is situated on the north-western side of Ashby Road and is outside the defined Limits to Development with the site also lying adjacent to the boundary of the Breedon on the Hill Conservation Area. The buildings presently on the site are utilised for various retail and employment uses, as well as the storage of golf course machinery and maintenance tools associated with Breedon Priory Golf Course. The buildings associated with the golf course are proposed to be retained.

The original application sought consent for 46 dwellings, however, during the course of the application the layout has been amended and the overall number of dwellings reduced. These dwellings would comprise 38 open market dwellings and 5 affordable dwellings consisting of 4 x 2 bed (all affordable), 15 x 3 bed (1 x affordable and 14 market), 17 x 4 bed (all market) and 7 x 5 bed (all market) properties.

In addition to the residential development it is also proposed that a village hall would be positioned in the south-eastern corner of the site which would be provided with 15 car parking spaces (3 disabled spaces) as well as cycle parking provision.

In terms of vehicular access it is proposed that the existing 'entrance' to Breedon Priory Nurseries, off Ashby Road, would be upgraded to allow two-way vehicle flows with this upgraded access serving the residential development and village hall as well as continuing to serve Breedon Priory Golf Club. The existing 'exit' from Breedon Priory Nurseries would be closed with a new pedestrian and cycle access being created in close proximity to the junction of Melbourne Lane with Ashby Road.

A planning statement, design and access statement, transport statement, ground investigation report, flood risk assessment, ecological appraisal, phase 1 archaeological evaluation, heritage statement and village character appraisal and tree survey accompanied the original application. Following receipt of comments from consultees a further ecological appraisal, flood modelling report, flood risk and drainage information: technical note, supplementary ground investigation report and stage 1 road safety audit have been submitted and appropriate consultation undertaken.

The recent planning history of the site is as follows: -

- 10/00884/CLE - Certificate of lawful existing use for use of existing access for both access and egress purposes - Withdrawn 22nd February 2011.
- 16/01120/FULM - Removal of existing buildings and erection of 27 dwellings, a new village hall, new commercial/retail units, new agricultural building together with associated access - Pending Consideration.
- 18/02199/FUL - Erection of new golf reception and catering building, extension to existing golf implement store and associated access driveway - Approved 3rd May 2019.

2. Publicity

50 neighbours notified.

Press Notice published Derby Evening Telegraph 19 December 2018.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

No Objections from;

Historic England.
Leicestershire County Council - Developer Contributions.
NWLDC - Affordable Housing Enabler.
NWLDC - Environmental Protection.
NWLDC - Conservation Officer.

No Objections, subject to condition(s) or financial contributions, from;

Leicestershire County Council - Archaeology.
Leicestershire County Council - Ecology.
Leicestershire County Council - Lead Local Flood Authority.
NWLDC - Environmental Protection (Contaminated Land).
Police Architectural Officer.
University Hospitals of Leicester NHS Trust.
West Leicestershire Clinical Commissioning Group.

Support from;

Breedon on the Hill Parish Council subject to the following comments:

- That the recommendations of the Lead Local Flood Authority when complete are fully implemented in accordance with their plans.
- Concern is expressed that the proposed development did not have any play facilities. The Parish Council is currently refurbishing the existing village facilities for children and would ask if it is possible for the development to make a contribution towards the cost in the sum of £10,000.
- The Parish Council would encourage LCC Education and Health Departments to ensure that adequate provisions are in place to meet the additional needs generated by the development, therefore a Section 106 contribution from the developer should be sought.
- It should be ensured that the village hall is constructed and completed no later than when 50% of the approved dwellings are ready for occupation.

Third Party Representations

44 representations have been received from third parties with 43 of those representations objecting to the application and one being neither in support nor against the development. The comments raised are summarised as follows:

Sustainability

- Breedon lacks the service provision and infrastructure to support more residents with the information associated with the application being false.
- The lack of a bus service will lead to a heavy reliance on the private car which is not sustainable.
- The loss of the existing services on the site worsens the sustainability of Breedon and is contrary to policy.
- Is there affordable housing? As the rural housing needs survey of 2017 outlined that it was needed.
- The livelihood of the operators of the existing businesses will be impacted on.
- The school has insufficient capacity and doctors services will be impacted on.

- Development will be on greenfield land which is contrary to policy.
- Broadband provision in the settlement is inadequate.
- Other houses constructed in the settlement remain unsold.
- Renewable technology should be used to power the homes and village hall.

Highway Safety

- Additional vehicular movements on highway network will result in detriment to pedestrian and highway safety with the current pavements within Breedon on the Hill being narrow.
- Traffic calming measures are required given vehicles travel in excess of the speed limit.
- The loss of the on-site parking will increase incidents of on-street parking.
- Existing egress from the nursery should be utilised as the proposed access to the residential development and village hall.
- Construction of development will lead to mud being deposited on the highway.
- Reversing a vehicle over the ghost right turn and highway is detrimental to highway safety.
- The vehicular movements associated with a caravan site which operates from Breedon Priory should be taken into account.

Amenity

- There will be an increase in vehicular noise and disturbance from headlights shining into properties opposite the proposed access.
- Provision of houses next to the Holly Bush Inn will disrupt the operations of this public house given future residents will complain.
- Construction noise will result in detriment to neighbouring properties.
- Village hall will have undue restrictions put on it given the relationship with residential properties and therefore the building will become redundant.

Design and Heritage

- The development will have an adverse impact on the setting of heritage assets given that the estate will be the first impression of Breedon on the Hill when approaching from the south-west.
- Development does not respect the historic character of the settlement.
- The design of the houses are out of keeping with the traditional properties that exist.
- The development is out of scale with the settlement.

Ecology

- There is no protection of existing wildlife on the site given the loss of the pond.

Flooding and Drainage

- Breedon on the Hill suffered a major flooding incident in 2016 and this development will increase surface water run-off and therefore lead to more flooding incidents.
- The foul drainage network is insufficient to accommodate the proposal.

Other

- The buildings to be removed contain asbestos and therefore should be removed carefully.
- Development should provide play facilities as well as allotments and bungalows.
- Who will fund and be responsible for the upkeep of the village hall?

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

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

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraph 34 (Development contributions);
Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
Paragraphs 54, 55, 56 and 57 (Planning conditions and obligations);
Paragraphs 59, 60, 61, 62, 64, 68, 73, 74, 76, 77 and 78 (Delivering a sufficient supply of homes);
Paragraph 83 (Supporting a prosperous rural economy);
Paragraphs 91, 92 and 98 (Promoting healthy and safe communities);
Paragraphs 105, 106, 108, 109, 110 and 111 (Promoting sustainable transport);
Paragraphs 117, 118, 122 and 123 (Making effective use of land);
Paragraphs 124, 126, 127 and 130 (Achieving well-designed places);
Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 175, 178, 179 and 180 (Conserving and enhancing the natural environment); and
Paragraphs 192, 193, 194, 196 and 199 (Conserving and enhancing the historic environment).

Adopted North West Leicestershire Local Plan (2017)

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

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy S3 - Countryside;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy H4 - Affordable Housing;
Policy H6 - House Types and Mix;
Policy IF1 - Development and Infrastructure;
Policy IF2 - Community and Cultural Facilities;
Policy IF3 - Open Space, Sport and Recreation Facilities;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance.

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

Leicestershire Highways Design Guide (Leicestershire County Council).

Planning (Listed Buildings and Conservation Areas) Act 1990 - Sections 66 and 72.

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

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

5. Assessment

Principle of the Development and Sustainability

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, comprises the adopted North West Leicestershire Local Plan (2017).

Paragraph 170 of the NPPF (2019) highlights, amongst other things, the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside.

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

The application site lies outside the defined Limits to Development where only certain forms of development would be permitted, which are as outlined in Policy S3 of the adopted Local Plan. This policy would support, amongst other things, the *"redevelopment of previously developed land in accordance with Policy S2" (criteria (e))* and *"community services and facilities meeting a proven local need" (criteria (l))*.

In respect of social sustainability it is noted that numerous third party representations which have been received have commented that the settlement of Breedon on the Hill is not socially sustainable. Although third parties are of this view, Policy S2 of the adopted Local Plan outlines that Breedon on the Hill is a Sustainable Village which is defined as a settlement which has a limited range of services and facilities, it is also noted that the Inspector in an appeal decision, dated 14th July 2017, associated with a scheme of 27 dwellings on Worthington Lane, Breedon on the Hill (ref: 16/00360/OUTM appeal ref: APP/G2435/W/17/3167167) did not consider the settlement to be socially unsustainable. Such services which are available include a shop (incorporating a post office), primary school, public houses, church and recreation ground with the public transport provision including a two hourly service between Coalville and East Midlands Airport (Robert Coaches Air Link Service 155 - Monday to Saturday). Given the location of the application site such services would be accessible via foot on raised footways and consequently future occupants of the properties would not necessarily be dependent on the private car to access the most basic of services. The dwellings would also assist in sustaining these services which is a key intention of Paragraphs 78 and 83 of the NPPF.

It is also considered, from a social perspective, that the provision of 43 dwellings, including affordable properties, with a mix of 2, 3, 4 and 5 bedroom dwellings would support and contribute to the housing needs of different groups in the community with the village hall also supporting the community's social and cultural well-being.

Whilst Policy S2 does outline that the limited amount of growth to take place within Sustainable Villages will be within the defined Limits to Development, the supporting text to this Policy does outline that the *"re-use of previously developed land (as defined in the National Planning Policy Framework) will be supported where it is compatible with the settlement hierarchy"* with it also being stated that the *"redevelopment of previously developed land for housing should be within or well-related to the Principal Town, a Key Service Centre, Local Service Centre, Sustainable Village or Small Village."* Paragraph 5.18 of Policy S2 further reiterates that any further development within a sustainable village will be restricted to either *"infilling or previously developed land which is well related to the settlement concerned."*

The Council's Brownfield Land Register identifies land which would be considered 'previously developed' in the context of Policy S2 and this register identifies that the majority of the application site would constitute brownfield land (register reference BLR4). On the basis of the proposed site layout plots 1 - 33, as well as plots 36 and 37, would be on land which is previously developed and given that the application site lies adjacent to the Limits of Development for Breedon on the Hill, as defined on the Policies Map to the adopted Local Plan, it would be well-related to the settlement. Consequently the provision of these 35 dwellings would be compliant with Policies S2 and S3 of the adopted Local Plan, with Paragraphs 117 and 118 of the NPPF also outlining support for the re-use of previously developed land.

This would therefore leave eight dwellings (plots 34 - 35 and 38 - 43) which would be on greenfield land situated in the north-east of the application site. Whilst this greenfield land would be adjacent to the Limits to Development, as identified above, it would be visually linked with undeveloped greenfield land to the north-west (including land which is both agricultural and recreational (golf course)), albeit it is acknowledged that the extent of greenfield land used to provide the eight dwellings would be between the extent of brownfield land used for the remainder of the development as well as residential properties on Melbourne Lane. Although set between these areas, a residential development of eight dwellings, combined with their associated infrastructure, would diminish the present open character of this part of the site.

On the above basis this element of the proposal would conflict with a fundamental principle of the NPPF by virtue of its failure to protect or enhance the natural environment. As this part of the site is outside the defined Limits to Development this element of the proposal would also conflict with the settlement hierarchy and strategic housing aims of the adopted Local Plan.

Although the view is taken that the provision of these eight dwellings will impact adversely on the 'openness' of the rural environment, it would be difficult to determine that they would be isolated given their association with the remainder of the proposed development on brownfield land as well as the residential dwellings on Melbourne Lane.

Whilst acknowledging the environmental harm caused as a result of the provision of these eight dwellings, this harm needs to be balanced with the 'overall' environmental harm as well as the social and economic benefits of the proposed scheme as a whole. In this instance it is considered that there are economic benefits associated with the short-term employment opportunities in the construction trade, as well as the benefits associated with the creation of an enhanced village hall allowing for new recreational activity groups to be set up given that the building has been designed to accommodate a variety of uses.

Socially there are benefits associated with the provision of 43 dwellings in a sustainable settlement where future residents would be in a position to assist in sustaining the existing facilities, and who would not be heavily dependent on the private car to undertake 'day to day'

activities. The provision of five affordable properties (2 and 3 bed dwellings) would also be in excess of the total required by Policy H4 of the adopted Local Plan (which would be 2 as the majority of the site is previously developed land). These factors weigh in favour of the proposal in the context of Paragraphs 77 and 78 of the NPPF. The village hall would also be considered a social benefit of the development given that it would support the communities *"health, social and cultural well-being"* as outlined at Paragraph 8 of the NPPF.

Environmentally the development, in the main, would also result in the re-use of previously developed land adjacent to the existing defined Limits to Development, which is the most appropriate land for development, with the County Council Ecologist indicating that there could be positive biodiversity enhancements as a result of the development due to the creation of wetland habitats around the proposed attenuation basins.

In conclusion, the provision of eight of the dwellings on a greenfield site outside the defined Limits to Development would conflict with the settlement hierarchy and strategic housing aims of Policy S2 of the adopted Local Plan. The construction of the eight dwellings would also fail to protect or enhance the natural environment due to their construction being on land which is visually linked with the wider undeveloped countryside, and thereby contrary to Policy S3 of the adopted Local Plan and the environmental objective of the NPPF. Whilst this is the case it is considered that the level of environmental harm caused by the provision of these eight dwellings would, in this instance, be outweighed by the economic, social and environmental benefits associated with the provision of a village hall which would expand the recreational activities which could be made available to residents, as well as the creation of job opportunities in the construction trade, the ability of future residents to help sustain the existing service provision within the settlement as well as the over provision of affordable housing meeting the housing needs of the community, and the fact that the majority of the development would be provided on previously developed land with positive biodiversity enhancements being secured. On balance, therefore, the proposal would constitute a sustainable form of development which would be supported by the principles of Policies within the adopted Local Plan as well as the NPPF.

In terms of the village hall the planning statement submitted in support of the application outlines that the village hall will serve the community and has been developed in line with the Parish Council who have established the needs and requirements of the community. Criteria (I) of Policy S3 of the adopted Local Plan outlines that the provision of community facilities will be supported outside the defined Limits to Development where there is a proven local need, with Policy IF2 outlining that new community facilities will be supported where deficiencies in provision would be addressed provided that adverse impacts on the environment and settlement concerned can be avoided or mitigated (criterion (a) of Policy IF2). Paragraph 92 of the NPPF also supports the provision of such facilities. It is proposed that the village hall will be constructed on the brownfield part of the application site and has been developed so as to be used for both community and recreational activities. In the context of its location there would be no adverse impacts to the environment and it is considered that there is a proven local need for such a facility given that at present facilities at the school have to be utilised for community meetings and events. On this basis this element of the proposal would be compliant with Policies S3 and IF2 of the adopted Local Plan as well as Paragraph 92 of the NPPF.

It is acknowledged that the basis of the above conclusion is founded, in part, on the provision of the village hall, which is to be constructed by the developer and subsequently 'gifted' to the Parish Council who will then be responsible for the upkeep and maintenance of the building. Consequently to avoid a situation whereby the village hall is not provided, and therefore the benefits outlined above are not achieved, it is proposed to impose a condition on any permission granted whereby only a certain number of the dwellings can be completed and

occupied before such time as the village hall is commenced and subsequently provided.

Loss of Current Commercial Facilities

The proposed development will result in the loss of the existing commercial facilities on the site, including a hairdressers, café, book shop, craft shop and garden centre, and third parties have commented that the scheme proposed under application reference 16/01120/FULM, which remains undetermined, sought to provide new commercial facilities.

Policy Ec12 of the adopted Local Plan addresses the loss of shopping and other main town centre uses within defined Local Centres and on the basis that Breedon on the Hill does not have a defined Local Centre the terms of this policy would not be applicable in the assessment of the application. Paragraphs 83 and 92 of the NPPF would also not be of relevance as the type of uses would not be classed as community and cultural facilities.

Whilst it is not entirely clear whether Policy IF2 of the adopted Local Plan would be of relevance, which seeks to resist the loss of 'key' services and facilities, it is considered that as the current operators do not own their business premises it is the case that the owner could cease the operation of these businesses at any time which would lead to the same impact (i.e. the loss of the current commercial facilities) as that which would arise should planning permission be granted under this application.

Although it is regrettable that such services will be lost as a result of the development given the general lack of conflict with any defined Policy of the adopted Local Plan and the NPPF the loss of the existing commercial facilities would not substantiate a reason to refuse the application. In coming to this conclusion, it is also noted that the proposal includes for a new village hall which has the potential to become a 'key' community facility within Breedon.

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

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

At present the application site comprises numerous single storey buildings associated with the existing commercial businesses which operate from the site along with the hard surfaced off-street car parking areas connected with these uses. The only 'undeveloped' part of the application site would be an area within the north-eastern corner. The main settlement of Breedon on the Hill is set to the immediate south-east of the site, and within this settlement there is a significant variation in the types, heights and scales of residential properties. Residential properties on Melbourne Lane exist to the north-east of the site and land used for agriculture and recreation (golf course) purposes is set to the north-west. From a topographical perspective the application site is relatively flat with no significant undulations.

Properties within the immediate area largely comprise two-storey terraced, semi-detached and detached types which are orientated to address the highways and have very little set back from the back edge of the pavement. The layout as proposed is of a design which would respect the context of the environment in which it would be set by ensuring that dwellings are orientated so as to address the streets within the scheme, and which would not be substantially detached from the highways within the site. The type of dwellings proposed would also respond to the context of the immediate environment outside the confines of the site by ensuring that those along the main internal highways are compacted together. It is also the case that the private amenity areas associated with the dwellings would be commensurate with their footprint with there being no domination of off-street parking to the frontage of properties. This is in

accordance with the Council's adopted Good Design SPD.

In terms of the design of the dwellings themselves it is considered that they have sought to be traditional in their appearance so as to respond positively to their setting adjacent to the Breedon on the Hill Conservation Area, as well as the design and style of traditional dwellings which exist on The Green and Melbourne Lane. Such design detailing includes the use of stone and brick cills and lintels, chimneys as well as brick and stone detailing and conditions imposed on any permission granted would ensure that such detailing was provided. It is also the case that windows are supplied in elevations where the surveillance of off-street parking spaces would be required, in order to encourage their use, which again accords with guidance within the Council's adopted Good Design SPD.

In terms of other conditions the Council's Urban Designer has specified that the precise construction and colour finishes to porches and door surrounds, as well as the design detailing of verges, eaves and boundary walls and colour of the infill fillet above the windows, should be secured. Subject to a satisfactory resolution on such matters at the discharge of condition stage it is considered that, overall, the proposed residential development would be a positive addition to the settlement and would integrate into the environment in which it is set. An appropriate selection of external materials has been agreed and therefore these materials would be conditioned on any planning permission granted.

It is also considered that the design of the village hall would be acceptable by proposing a building which is traditional in appearance and which has design detailing and features that would ensure it has a positive impact on the streetscape. This is important due to it being a highly prominent building when entering and exiting the settlement via Ashby Road and The Green/Melbourne Lane.

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

With regards to housing mix, Policy H6 of the adopted Local Plan outlines that a mix of housing types, sizes and tenures is expected on residential developments proposing 10 dwellings. When determining an appropriate housing mix the information contained within the Housing and Economic Development Needs Assessment (HEDNA) is one of the factors to take into account alongside other criteria as outlined in Part (2) of Policy H6. The range of dwelling sizes (in terms of number of bedrooms) identified as appropriate in the HEDNA are as follows:

- 1 bed - 0-10% (Market) and 30-35% (Affordable);
- 2 bed - 39-40% (Market) and 35-40% (Affordable);
- 3 bed - 45-55% (Market) and 25-30% (Affordable); and
- 4 bed - 10-20% (Market) and 5-10% (Affordable).

The submitted scheme proposes the following (%):

- 1 bed - 0% (Market) and 0% (Affordable);
- 2 bed - 0% (Market) and 80% (Affordable);
- 3 bed - 37% (Market) and 20% (Affordable); and
- 4 bed+ - 63% (Market) and 0% (Affordable).

The market housing would be weighted more towards larger units than as suggested by the HEDNA, although it is acknowledged that Policy H6 indicates that the HEDNA mix is one of a

number of criteria to be considered when applying the policy, and consideration should also be given to other factors such as the *"character and context of the individual site"* (criterion (f) of Part 2).

Whilst utilising previously developed land the application site lies outside the Limits to Development with open countryside to the north-west. Consequently care has been given to designing a scheme which has a greater density of development closer to the settlement boundary and which then 'feathers' out towards the edges given the transition to the open countryside. It is considered that such a design approach has influenced the provision of larger homes within spacious plots. The development also provides positive economic and social benefits with the provision of a village hall and affordable housing in excess of that which would be sought under Policy H4 of the adopted Local Plan, with the affordable mix being acceptable to the Council's Affordable Housing Enabler. Overall, in this instance, it is considered that the compliance with criteria (f) of Policy H6 would negate the lack of compliance with the housing mix suggested by the HEDNA.

As the proposed number of dwellings is below 50 there is no requirement for the development to provide bungalows in the context of criterion (3)(a) of Policy H6 of the adopted Local Plan.

Impact on the Historic Environment

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, as well as a Conservation Area, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess, and to the desirability of preserving or enhancing the character or appearance of that area. Such an approach is also supported by Paragraphs 192, 193, 194, 196 and 200 of the NPPF.

In terms of heritage assets the majority of the application site lies adjacent to the boundary of the Breedon on the Hill Conservation Area although the area proposed for the village hall would be within the extent of the Conservation Area. In terms of listed buildings the Grade II listed Parish War Memorial is set to the east of the site with the Grade II listed Holly Bush Inn (Melbourne Lane) set to the north-east and Grade I listed Church of St Mary and St Haldulph and hill fort also set to the north-east. Therefore the impacts of the development on the fabric and setting of these heritage assets should be given special regard as required by the 1990 act.

Historic England have stated that the specialist advice of the Council's Conservation Officer should be taken into account when determining the impacts of the development on heritage assets. In commenting on the scheme as originally submitted (i.e. the scheme for 46 dwellings) the Council's Conservation Officer objected for the following reasons:

- The extension of the site in a south-western direction beyond the Limits to Development would have a harmful impact on views out of the scheduled monument (Iron Age hill fort 'The Bulwarks') with such views contributing positively to the setting of this heritage asset;
- That the provision of a large attenuation basis within the north-eastern part of the site would result in the loss of a hedgerow which appears on a circa 1770 map of Breedon, as such the hedgerow would be classed as an ancient hedgerow;
- That a 'link' should be provided from the site to the Holly Bush public house on Melbourne Lane;
- That plots 23 and 24, a 'cranked' corner unit, should be replaced with a semi-detached pair; and

- That the village hall and its associated car park should be swapped so as to enable the village hall to front onto The Green.

Amendments have been made to the plans so as to address these concerns and whilst the position of the village hall and its car park has not altered, the applicant has justified the need for the car park to remain in its proposed position due to the conflict with a drainage channel along the south-eastern boundary of the site which, if flooded, would impact on the village hall. As such the only way the village hall could remain fronting onto The Green would be to substantially increase its finished floor level which would not be in the best interests of the design of the development or the visual amenities of the streetscape. This justification has been accepted by the Council's Conservation Officer.

On the basis of the scheme as submitted, proposing 43 dwellings, the Council's Conservation Officer considers that the scheme would positively respond to the local character by proposing a development with an irregular layout, which would utilise a mixture of external materials, which would offer a future opportunity for pedestrian connectivity to the Holly Bush public house, which would provide variance in eaves and ridge heights to the dwellings and which would respond to its context by virtue of its mix of detached and semi-detached house types.

The design of the village hall would be acceptable given that it proposes a more traditional form of development which would respond positively to the context of the environment in which it would be set.

It is also considered that the removal of the dilapidated commercial buildings would enhance the setting of the conservation area.

Overall it is considered that the scheme would preserve the setting of the conservation area, as well as listed buildings, by providing a form of development which would be consistent with the character of the development found within the conservation area, which lies adjacent to the site, whilst also allowing views from the entrances to the development onto the wider open countryside situated to the north-east. The Council's Conservation Officer has concluded that the proposed development would result in no harm to the significance of the identified heritage assets and as no harm would arise an assessment in the context of Paragraph 196 of the NPPF would not be required.

Overall the proposed development would be acceptable and accords with Policy He1 of the adopted Local Plan, Paragraphs 192, 193, 194 and 196 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential Amenity

In respect of the residential element of the development it is considered that the properties most immediately affected would be nos. 1 to 9 Melbourne Lane (odd numbers inclusive) along with a new dwelling which is being constructed to the rear of nos. 3 and 5 Melbourne Lane in accordance with the permission granted under application reference 14/00925/FUL (to be known as 1A Melbourne Lane).

Plots 37 - 40 and plot 43 are the proposed dwellings which are positioned to the south-west of the dwellings on Melbourne Lane and in terms of distances to what would become shared boundaries and elevations the following separation distances are proposed: -

- North-eastern (side) elevation of plot 43 set 26.5 metres from the shared boundary with no. 9 Melbourne Lane and 47.5 metres from its rear elevation;

- North-eastern (side) elevation of plot 40 set 8 metres from the shared boundary with no. 7 Melbourne Lane and 31.5 metres from its rear elevation;
- North-eastern (rear) elevation of integral garage to plot 40 set 7.5 metres from the shared boundary with no. 5 Melbourne Lane, which would subsequently be the boundary with what become no. 1A Melbourne Lane, and 44.5 metres from the closest part of its rear elevation (over 20 metres to the rear elevation of no. 1A Melbourne Lane);
- North-eastern (rear) elevation of integral garage to plot 40 also set 44.5 metres from the closest part of the rear elevation to no. 3 Melbourne Lane; and
- North-eastern (side) elevation of plot 39 set 6 metres from the shared boundary with no. 1 Melbourne Lane (The Holly Bush Inn) and in around 20 metres from the closest part of the rear elevation of this building.

It is considered that such separation distances would accord with those outlined in the Council's adopted Good Design SPD and would therefore ensure that no adverse overbearing, overshadowing or overlooking impacts would arise to the amenities of properties on Melbourne Lane.

The south-eastern (rear) elevations of plots 38 and 39 would be set 10 and 13 metres, respectively from the shared boundary with no. 1 The Green (Holly Cottage) with a separation distance of around 28 metres between the elevation of plot 39 and the closest part of the rear elevation of no. 1. It is considered that the separation distance to the rear elevation and shared boundary would ensure that no adverse overbearing or overshadowing impacts would arise particularly taking into account the orientation and amount of garden associated with this property. Such a separation distance would also ensure that no adverse overlooking impacts would arise particularly given that any direct view would be onto the latter parts of the garden associated with no. 1, which is substantial in size, as well as the presence of a group of Leyland cypress trees to the shared boundary (which are within the ownership of no. 1) restricting views given that they have heights of 7 metres whereas the top of the first floor windows to plots 38 and 39 would be below 5 metres when taken from the ground level.

The north-eastern (side) elevation of plot 37 would be set 3 metres from the shared boundary with no. 1 The Green and in excess of 72 metres from its rear elevation. Consequently this plot would have no adverse overbearing, overshadowing or overlooking implications to the amenities of no. 1.

Properties situated on the south-eastern side of Ashby Road, as well as those on The Crescent, would not be adversely impacted on by the proposed residential dwellings to be situated on the north-western side of Ashby Road given the relevant separation distances and the retention of mature tree planting along Ashby Road which fall outside the application site.

With regards to the village hall this would be set in excess of 60 metres from no. 5 The Crescent, being the closest residential receptor, which would ensure that this element of the scheme would not result in any adverse overbearing, overshadowing or overlooking implications to neighbouring amenities.

In respect of noise or smell implications the Council's Environmental Protection Team have been consulted and have raised no objections to the application. Should any statutory noise or smell issues arise in the future then the Council's Environmental Protection Team could investigate these matters under separate legislation. It is also the case that future occupants of plots 39 and 40 would be aware of the relationship with the Holly Bush public house prior to their purchase.

Headlights to vehicles exiting the site would also not cause severe detriment to the amenities of nos. 7 and 9 Ashby Road given the separation distance (35 metres), the fact these dwellings are off-set from the proposed access, the finished floor level of the dwellings being higher than Ashby Road and the presence of vegetation to the road side boundary.

It is considered that the relationship between the proposed dwellings and existing built forms, as well as the relationship between the proposed dwellings themselves, would be acceptable given the relevant separation distances. Trees of a mature stature would be retained in close proximity to plots 6, 10, 11, 25, 26, 37, 38 and 39 and as such it is inevitable that shadowing implications would occur to these plots at various parts of the day. Given that the proposed layout has ensured that these plots and their associated amenity areas are located in the most optimum locations, so as to lessen this impact, it is considered that the extent of shadowing would not be sufficiently detrimental as to warrant a refusal of the application. It is also the case that any future occupants of these plots would be aware of this relationship prior to their purchase.

Overall the proposal would adhere to Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF.

Highway Safety

The County Highways Authority (CHA) have been consulted on the application with their comments being based on guidance within the Leicestershire Highways Design Guide (LHDG).

It is proposed that the existing access to Breedon Priory Nurseries would be utilised to provide vehicular access to the residential development and village hall, with this access also continuing to serve the golf club, with the access being upgraded so as to ensure that vehicles entering and exiting the site can pass each other clear of Ashby Road. Vehicular visibility splays of 2.4 metres by 65 metres in both directions would also be provided which would be in accordance with the LHDG.

Initially a mini-roundabout was proposed on Ashby Road, at the site access, in order to assist with vehicular movements into and out of the site, however the CHA determined that this was not an acceptable solution on the basis that measured vehicle speeds were in excess of 35mph and consequently such a proposal would compromise highway safety. As such the plans have been amended so as to propose a ghost right turn access within Ashby Road so as to ensure that vehicles wishing to enter the site when travelling out of Breedon on the Hill towards Lount and Ashby De La Zouch would be clear of the highway, this is so as to ensure that they do not disrupt the free and safe movement of vehicles on Ashby Road. The provision of the ghost right turn access is acceptable to the CHA.

A Stage 1 Road Safety Audit (RSA), submitted to support the provision of the ghost right turn access, has identified that vehicular speeds at the point of the access are in excess of the speed limit of 30 mph (85th percentile speeds of 38mph and 37mph were evidenced by the speed surveys) with there being visibility implications at the pedestrian crossing point on the internal access road due to the trees within the presence of the trees along the Ashby Road boundary of the site. In order to address these problems the CHA have specified that a condition would be imposed on any permission granted to secure a traffic calming scheme with the CHA considering that the pedestrian visibility splays at the pedestrian crossing could be secured at the detailed design stage for highway works.

A condition would also be imposed so as to close of the existing 'exit' from Breedon Priory Nurseries located at the junction of Ashby Road with The Green.

With regards to the internal layout the CHA have commented that in order for the road to be adopted it must comply with the LHDG. At this stage the following issues remain unresolved in relation to the suitability of the highway for adoption:

- A minimum of 1m hard bound service margins is required on the western side of the spine road from the terminal point in the vicinity of the site access to the golf club access road;
- The provision of a speed control table between Ashby Road and the bend in the vicinity of plot 3 so as to achieve a 20 mph design speed; and
- That the width of the private drives adjacent to plots 1 and 4 need to be increased.

They have also stated that a clear pedestrian link to the village hall should be provided.

It is considered that the most recent site plan (ref: 3253-40 Revision GG) outlines the provision of a speed control table in the correct position, the provision of service margin on the spine road to the golf club and an access width to plots 1 and 5 (not 4 as specified by the CHA) which would accord with LHDG guidance. It is also considered that the site plan shows a pedestrian link to the village hall. Reconsultation has, however, been undertaken with the CHA to ensure that they are satisfied the amendments meet their requirements.

Although a response to this consultation remains outstanding it is considered that the unresolved matters are minimum and are associated with the internal road and its suitability for adoption. Therefore it is reasonable to conclude, at this time, that the CHA do not object to the application in respect of its implications to highway and pedestrian safety or its impact on the highway network. Any response received from the CHA will be reported to Members via the Committee update sheet.

Whilst acknowledging the concerns raised by third parties associated with highway safety, including the suitability of vehicles reversing off private drives into and over the proposed ghost right turn access from properties on the south-eastern side of Ashby Road, such concerns are not shared by the CHA.

Paragraph 109 of the NPPF outlines that development should only be *"prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* Given that the CHA do not object to the application, with regards to its impact on pedestrian and highway safety and the highway network, nor would the cumulative impacts of development be severe it is considered that a reason to refuse the application could not be sustained. On the basis the proposal would accord with Policy IF4 of the adopted Local Plan as well as Paragraphs 108, 109 and 110 of the NPPF.

With regards to off-street parking for the dwellings the Council's adopted Good Design SPD and the LHDG outline that a minimum of two spaces for a dwelling with between 1 and 3 bedrooms and three spaces for a dwelling with 4+ bedrooms will be required. It is considered that the plans as submitted have demonstrated that a sufficient level of off-street parking would be provided for each property with such spaces, including garage spaces, meeting the dimensions required by the LHDG which will ensure they can be utilised. The majority of spaces are also conveniently located, so as to encourage their use, with the risk of displaced parking for spaces which are situated to the rear of dwellings (i.e. plot 3) being reduced by the provision of pathways from such spaces to an external door. Windows to habitable rooms are also provided within elevations which would observe the off-street parking spaces. On balance the off-street parking for all properties would be conveniently located, so as to be usable by future occupants,

with a sufficient level of off-street parking being provided.

In terms of the village hall element of the development the submitted plans identify that 15 car parking spaces would be provided (three of which are disability spaces) with a parking accumulation survey being submitted to quantify this level of off-street parking provision. This has been assessed and is considered acceptable to the CHA. A condition would also be imposed for a secure cycle parking facility to be provided as whilst the plans specify the provision of such a facility the precise details are not known at this time. The provision of such a facility would also encourage more sustainable forms of transport to and from the site.

Whilst there is a potential that during larger organised events on-street parking may occur, particularly on The Green and the internal highways, it is considered that such events would likely be hosted by the Parish Council (who will be the owners of the village hall) and consequently it is probable that parking will be appropriately managed given that if problems were to occur the Parish Council would likely be the first point of contact for any complainant. Also events hosted by the Parish Council are likely to be attended by people who reside in the settlement and consequently the village hall is located so as to be easily accessible by foot to most of its parishioners.

Overall, in respect of off-street parking, it is considered that the limited implications for on-street parking to occur during larger events held at the village hall would not result in 'unacceptable' or 'severe' detriment to pedestrian or highway safety and therefore the proposal would accord with Policy IF7 of the adopted Local Plan and Paragraph 105 of the NPPF.

Ecology

The proposal will result in the demolition of existing buildings with the site also containing numerous trees as well as ponds, such features could be used by European Protected Species (EPS) or nationally protected species.

As part of the consideration of the application the County Council Ecologist has been consulted. Following their assessment of the ecological appraisals which have been submitted in support of the application and, following amendments to the plans, they have raised no objections subject to the imposition of conditions on any permission to be granted.

Such conditions would seek to secure the retention of a veteran tree and hedges, as well the provision of a Sustainable Urban Drainage System (SuDS), a suitable soft landscaping scheme, a suitable lighting scheme and a landscape and ecology management plan.

It is considered that conditions can be imposed on any permission granted to secure these requests with the only omission being the retention of the Common Ash identified as T1 on the Tree Survey Plan as this is outside the boundaries of the application site.

On the above basis the proposal would accord with Policy En1 of the adopted Local Plan, Paragraphs 170 and 175 of the NPPF and Circular 06/05.

Landscaping

A tree survey and arboricultural impact report has been submitted in support of the application which outlines that there are 28 individual trees and 36 groups of trees present on the site, and as part of the development it is intended that 17 individual trees and 25 groups of trees would need to be removed to facilitate the development. Of the individual trees to be removed six would be rated as category B trees (moderate quality with a life expectancy of at least 20 years). All other individual trees and groups of trees to be removed would be rated category C

or U (low quality with a life expectancy of 10 years or not suitable for retention).

Whilst trees of moderate quality would be removed to facilitate the development it is considered that the majority of these trees are already compromised by their relationships with existing built forms or hard surfaces which therefore impacts on their longevity. Although, therefore, other trees would be removed which are not currently compromised it is considered that the contribution these trees make to the visual amenities of the wider environment would not be of such significance that they should act as a constraint to the development, particularly given that it would be possible as part of any planning permission to seek replacement planting of more appropriate tree species which would integrate better with the residential development.

Criterion (c) of Paragraph 175 of the NPPF outlines that *"development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons,"* with Policy En1 of the adopted Local Plan also outlining that developments which results in significant harm to, amongst other things, veteran trees (criterion (g) of Policy En1) will be refused. It is noted on the 'Ecology' section of this report above that a Common Ash (identified as tree T18 on the Tree Survey plan) is recognised as a veteran tree and therefore an assessment is required as to the relationship this tree would have with the proposed development.

The Common Ash is positioned within the garden associated with plot 37 being set to the south-east of its rear elevation, with this tree also being set to the north-east of plots 25 and 26. The root protection area (RPA) of this tree would extend into areas associated with plots 25 and 37 as well as where the village hall would be located. Although the built forms within this RPA would be limited to the detached garage associated with plot 25, a corner of the proposed village hall and the rear part of the substation, it is considered that the imposition of a condition requiring details of the foundation construction for these built forms would ensure that the roots of the tree would not be significantly compromised. It is also the case that the canopy of this tree would extend into what would become the private amenity area associated with plots 25 and 37, the extent of which would be set in close proximity to the rear elevation of plot 37. It is considered that some works to the canopy of this tree, as well as some crown lifting, would need to be undertaken so as to enhance the relationship and such works would be a condition on any consent granted. Such works would also reduce the leaf litter generated by this tree. It is considered that such works in order to enhance the relationship would not be of such significance that the overall integrity of this tree would be significantly compromised and would ensure that it is retained. With regards to shading implications it is considered that the tree is set to the north-east of plots 25 and 26 and consequently no significant shading implications would be experienced by residents of these particular plots. In terms of plot 37 the position of the tree will lead to some shading impacts being experienced within the property, as well as its associated private amenity area, however these impacts would only be most apparent in the morning hours.

Given that the impact of shading would only be experienced at a particular part of the day, and that large window openings are proposed to the open plan kitchen/dining and living room at ground floor level and bedrooms at first floor level in order to increase the amount of natural light emitted into the property, it is considered that the overall relationship would be acceptable and that the tree would be protected from any unnecessary pressure for removal. Any future occupant of plot 37 would also be aware of the relationship with the retained tree prior to their purchase.

Plots 10 and 11 would be impacted on by their relationship with G54 (Common Alder) but given the overall size of the rear amenity areas associated with these plots the extent of shading

would not result in a significant impact. It would, however, be beneficial for some arboricultural works to be undertaken to this group of trees, either to lift the canopy or slightly reduce the height, so as to minimise the overall impact. A condition could be imposed to secure these works and is recommended.

Plots 38 and 39 would be impacted on by their relationship with G12 (Leyland Cypress), however, the canopy spread of the trees forming this hedge and extent of shading from this hedge would not impact on a significant section of the private rear amenity area to these plots, and therefore there would be no unnecessary pressure for removal of this hedge. In any event it is recognised that this hedge is situated outside the application site and is therefore not within the control of the applicant.

To a lesser extent the rear amenity area of plots 38 and 39 would be impacted on by their relationship with G12 (Leyland Cypress Hedge), however the canopy spread of the trees forming this hedge and extent of shading from this hedge would not impact on a significant section of the private rear amenity area to this plots, and therefore there would be no unnecessary pressure for removal of this hedge. In any event it is recognised that this hedge is situated outside the application site and is therefore not within the control of the applicant.

The relationship between plot 6 and G53 (Common Alder) would be acceptable as the group of trees is situated to the north-west.

Overall the proposal would accord with Policies D1 and En1 of the adopted Local Plan and Paragraph 175 of the NPPF.

Drainage and Flood Risk

The site lies within Flood Zone 1 and is therefore in an area at the lowest risk of flooding. The majority of the site also has a very low potential for surface water flooding to occur, based on the Environment Agency's Surface Water Flood Map, although certain parts do have medium or high potential for surface water flooding to occur; these areas mainly being concentrated along the boundary with Ashby Road and in the area of land to the immediate north-west of the junction of Melbourne Lane with Ashby Road.

A flood risk assessment (FRA) was submitted in support of the original application and throughout the course of the application a flood modelling report, drainage long sections and drainage layout plan have been submitted to address the concerns of the Lead Local Flood Authority (LLFA). On the basis of the most recent information the LLFA have removed their objection subject to the imposition of conditions on any permission granted so as to ensure that a precise surface water drainage scheme is submitted, that a surface water management plan is in place during the construction stage, that a long-term maintenance and management plan for the surface water drainage solution is agreed and that the precise details of the attenuation basins are agreed. On the basis that such conditions are imposed on any permission granted it is considered that the proposal would be compliant with Policies Cc2 and Cc3 of the adopted Local Plan as well as Paragraph 163 of the NPPF.

The above comments have been supplied by the LLFA following their consideration of the flood report (Breedon on the Hill Flood Report) produced by the County Council after their investigations into the summer 2016 flooding events within the settlement. On the basis that the findings of this report have been factored into the assessment undertaken by the LLFA they are satisfied that the proposed development would not exacerbate flooding within the settlement.

Insofar as foul drainage is concerned, it is indicated that this would be discharged to the mains

sewer and a connection would need to be agreed with Severn Trent Water under separate legislation. Given the above conclusion it is considered that the foul drainage can be met by the existing sewerage system in place. On this basis the proposed development would accord with Paragraph 180 of the NPPF.

Archaeology

The County Council Archaeologist has outlined that the proposed development site is larger than that considered under application reference 16/01120/FULM which was subject to archaeological trial trenching on parts of the site. The findings of the trial trenching identified a system of medieval fishponds on the eastern part of the site and as such, the County Council Archaeologist recommended the imposition of conditions which required further investigation of the medieval fishponds.

In the circumstances that the development site is over a larger area the County Council Archaeologist considers it reasonable for conditions to be imposed, on any permission granted, to not only further investigate the medieval ponds but also that trial trenching and geophysical survey be undertaken on the parts of the site which were not previously investigated.

Given the archaeological significance of the site it is considered that the imposition of the suggested conditions of the County Council Archaeologist is necessary to ensure the development complies with the aims of Policy He1 of the adopted Local Plan as well as Paragraph 199 of the NPPF.

Land Contamination

The Council's Land Contamination Officer has reviewed the submitted ground investigation report and supplementary ground investigation report and has raised no objections to the application subject to the imposition of conditions associated with the submission of a Risk Based Land Contamination Assessment and Verification Investigation. It is considered that the imposition of such conditions is reasonable in the circumstances that the land would be utilised for residential and community purposes and therefore necessary to ensure the health and safety of any future occupants. Subject to the imposition of these conditions, the scheme would accord with Policy En6 of the adopted Local Plan and Paragraphs 178 and 179 of the NPPF.

Developer Contributions

A request has been made for Section 106 contributions towards affordable housing and health services, it is also likely that transportation contributions will be sought once the County Highways Authority (CHA) provide their final response. These requests have been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations) as well as Policy IF1 of the adopted Local Plan and Paragraphs 34, 54 and 56 of the NPPF.

The requested development contributions are listed below.

Affordable Housing

Policy H4 of the adopted Local Plan outlines that the affordable housing contribution on a scheme of 11 or more dwellings, or where the gross floor space of the development exceeds 1000 square metres, proposed on greenfield site within Breedon on the Hill is 30% with the contribution on previously developed land being 5% where the scheme proposes 30 dwellings or more or where the site area is greater than 1 hectare. It is noted that the development site comprises development on both greenfield and previously developed land.

The Council's Affordable Housing Enabler has been consulted on the application has advised

that the proposed mix, comprising 4 x 2 bed rented and 1 x 3 bed shared ownership dwellings, would be acceptable. On this basis it is considered that the scheme would be compliant with Policy H4 of the adopted Local Plan. Details of when the affordable units would be delivered along with the arrangements for the transfer to a Registered Provider would be agreed separately under the provisions of the Section 106 agreement.

Health

The West Leicestershire Clinical Commissioning Group has requested a contribution of £21,549.66 for improvements to the Castle Donington Surgery on Borough Street which would be required to accommodate the additional patients (103 based on the average household size of 2.4 people) generated by this development. It is considered that such a request is reasonable due to the additional demands placed upon this service.

University Hospitals of Leicester NHS Trust ('The Trust') have requested a contribution of £17,395.00 in order to bridge a gap in the funding created by each potential patient from the development in respect of Accident and Emergency (A&E) and planned care within the Leicester, Leicestershire and Rutland area.

Whilst such a request has been made the evidence to justify the contribution is not robust particularly given that the estimate of the population of the District is in excess of the actual figure, and the calculations do not break down the number of residents of Breedon on the Hill who previously attended A&E departments or received planned care within the administrative area of The Trust. It is also the case that Breedon on the Hill sits in close proximity to the county border between Leicestershire and Derbyshire and consequently residents of this settlement could easily utilise hospitals within the University Hospitals of Derby and Burton NHS Trust administrative area, rather than those within Leicestershire, with the evidence not taking this into account. Paragraph 56 outlines the tests which should be met in order for a planning obligation to be sought and, at this time, it is considered that the request of The Trust does not meet the criteria identified. On this basis the contribution will not be sought.

Education

Leicestershire County Council (Education) have outlined that a contribution towards education will not be required to mitigate the impacts of the development on education provision at Breedon on the Hill St Hardulphs Church of England Primary School, Worthington Primary School, Castle Donington College or Ashby School (the nearest schools which would facilitate pupils associated with the development) given that there are surplus pupil places at these schools as a result of contributions secured via Section 106 agreements for other developments within the District.

Other Contributions

Leicestershire County Council have outlined that no contributions will be required to mitigate the impacts of the development on the nearest civic amenity service to the site (being Lount) or library services.

The applicant has confirmed their intention to provide the contributions which have been requested.

Insofar as the various developer contributions is concerned the view is taken that the proposed contributions would comply with the relevant policy and legislative tests as set out in Policy IF1 of the adopted Local Plan, Circular 05/95, the CIL Regulations and the NPPF.

Play Area/Open Space

Policy IF3 of the adopted Local Plan outlines that on-site play provision and open space, or any off-site contribution, would only be applicable on development proposals of 50 dwellings or more and as such none would be required as part of this proposal which only equates to 43 dwellings. In any event it is possible that the development would provide some recreational and leisure benefits due to the varying uses which could be undertaken at the village hall to be provided as part of the development and this would accord with the intentions of Paragraph 92 of the NPPF.

Whilst noting the request of Breedon on the Hill Parish Council for a financial contribution (£10,000) to be provided towards the refurbishment of play equipment within the settlement, as well as third party comments requesting the provision of allotments, it is outlined above that in Policy terms a development of this scale would not be required to provide on-site play provision and open space, or an off-site contribution, and consequently the request for such a contribution would not meet the tests outlined in Paragraph 56 of the NPPF.

Other Matters

In terms of the issues raised by third parties which have not been addressed above it is considered that the lack of broadband speed within the existing village is a matter which would be addressed by the relevant telecommunications companies responsible for the provision of such a service. Such companies would be responsible for the provision of broadband to the new properties, should they request such a connection, and at this time they would have to ensure that their advertised estimated speeds are adhered to or carry out improvements to the network. Therefore, the provision of new dwellings, would not impact on broadband speeds experienced within the settlement. In any event this matter is not a material planning consideration and is given no weight.

In respect of the concerns raised regarding inaccuracies in the application submission and lack of detail within the supporting documentation, the submitted information together with all of the information gathered when undertaking the site visit and assessing the application have allowed for the application to be fully and adequately assessed in accordance with relevant planning policies.

There is no policy requirement, within the adopted Local Plan and NPPF, which would require the new dwellings and village hall to be constructed so as to utilise renewable sources for their power consumption and consequently this would be a matter for the individual home owner, or Parish Council in terms of the village hall, to consider at a later stage.

The fact that other houses within the settlement remain unsold does not provide a basis that no further development should not be allowed as it is a fundamental tenet of the planning system that each application be assessed on its own merits.

The clearance of asbestos is covered under separate legislation, as set out in the Special Waste Regulations 1996.

Conclusion

The application site is outside the Limits to Development but would comprise development which would be concentrated largely on previously development land (PDL) and consequently would be acceptable in the context of Policies of the adopted Local Plan and Paragraphs of the NPPF. The provision of eight dwellings on a part of the site which would be classed as greenfield would, in this instance, be outweighed by the positive social and economic benefits of the development (including an over provision of affordable housing and new village hall) as well as the limited environmental impacts which would arise due to the substantial concentration of

development on PDL and the biodiversity enhancements which could be undertaken. Overall, therefore, the principle of the development is acceptable.

Subject to conditions it is also considered that the proposal would not have any significantly detrimental impacts to the character and appearance of the streetscape or wider area, the setting of heritage assets, highway safety, residential amenity, ecology, landscaping, archaeology and contaminated land, nor would the proposal further exacerbate any localised flooding issues. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions and the completion of a Section 106 agreement, is considered acceptable for the purposes of the above-mentioned policies.

It is therefore recommended that planning permission be granted subject to the conditions listed below, and subject to planning obligations to secure the contributions as set out above.

RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS AND THE COMPLETION OF A SECTION 106 AGREEMENT AND THE RECEIPT OF FURTHER COMMENTS FROM THE COUNTY HIGHWAYS AUTHORITY;

1. Time limit.
2. Approved plans.
3. Village hall development commenced prior to 21st occupation and completed prior to 35th occupation.
4. External materials.
5. Design detailing.
6. Colour finish to rainwater goods and external meter boxes.
7. Soft landscaping scheme.
8. Replacement planting.
9. Tree and hedge protection plan during construction.
10. Scheme of works to trees T18 and G54.
11. Foundation construction to plot 37, detached garage to plot 25 and village hall.
12. Hard landscaping scheme.
13. Precise details of kerbing and channel blocks to internal highways.
14. Boundary treatments.
15. Precise elevation detail of stone and brick boundary walls.
16. Highway safety.
17. Surface water drainage.
18. Archaeology.
19. Contaminated land.
20. Verification investigation.
21. Bin collection areas.
22. Finished floor and ground levels.
23. External lighting.
24. Removal of permitted development rights to plots 25, 37, 38 and 39.
25. Scheme of biodiversity enhancements and retention of existing ecological features.
26. Management of retained ecological features and biodiversity enhancements.