

Demolition of existing bungalow so as to facilitate residential development (outline - part access included)

Report Item No
A4

11 Fosbrooke Close Ravenstone Coalville Leicestershire LE67
2AB

Application Reference
18/01428/OUTM

Grid Reference (E) 440040
Grid Reference (N) 313683

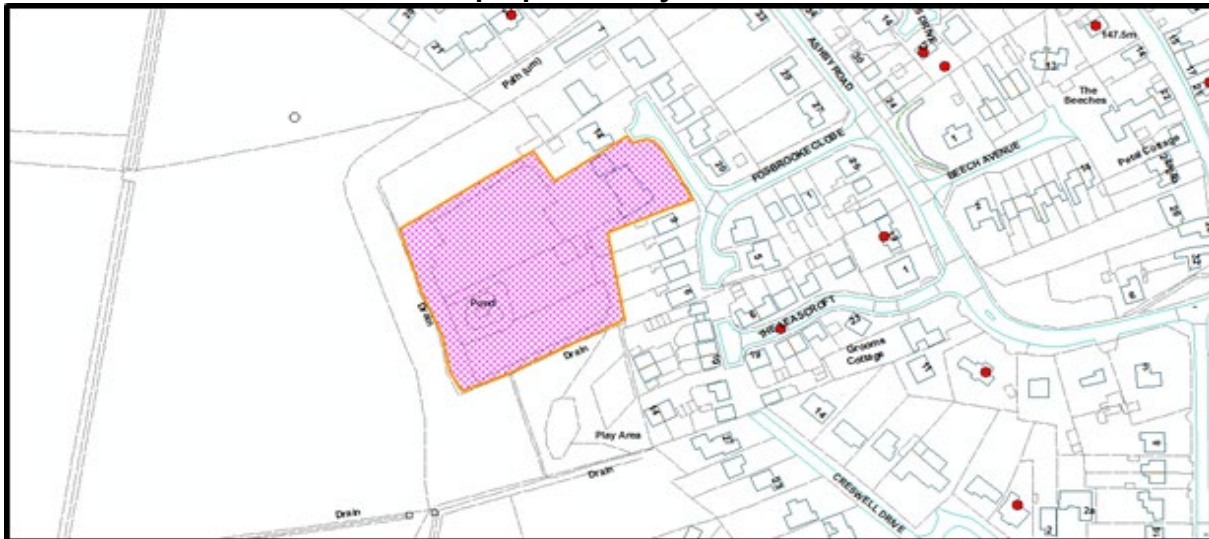
Date Registered:
6 August 2018
Consultation Expiry:
14 September 2018
8 Week Date:
5 November 2018

Applicant:
Mr Kris Walkuski

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 at the request of the Council's Strategic Director of Place pursuant to Section 5 clause 4 (f) of the Council's constitution.

Proposal

This is an outline application, with means of part access for approval, and relates to the demolition of an existing bungalow so as to facilitate residential development at 11 Fosbrooke Close, Ravenstone.

Consultations

Objections have been received from third parties as well as Ravenstone with Snibston Parish Council. No objections have been received from statutory consultees and a revised response from Natural England is awaited.

Planning Policy

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

Conclusion

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

- Design, density, housing mix and impact on the character and appearance of the streetscape;
- 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 NO OBJECTIONS BEING RAISED BY NATURAL ENGLAND.

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

Outline planning permission is sought for the demolition of an existing bungalow so as to facilitate residential development with means of part access for approval at this stage at 11 Fosbrooke Close, Ravenstone. No. 11 Fosbrooke Close is a single storey detached dwelling situated on the south-western side of Fosbrooke Close and is within the Limits to Development. It is intended that the proposed dwellings would be provided on land which forms part of the residential garden and paddock land to 11 Fosbrooke Close, with the surrounding area comprising residential development to the east and open countryside to the west.

Originally the application proposed the creation of 28 dwellings but following concerns being raised by the Case Officer the number of dwellings to be created has been omitted from the description. The precise number of dwellings to be constructed will thus depend on compliance of any layout submitted at the reserved matters stage with the Council's adopted Good Design SPD and adopted Local Plan. It will, however, be the case that the total number of dwellings to be provided would be less than the 28 initially proposed.

In order to create the residential development no. 11 Fosbrooke Close would be demolished with a new vehicular access being created into the site off Fosbrooke Close in order to serve the proposed dwellings. It is anticipated that a mix of 2, 3, 4 and 5 bed properties would be created as part of the development.

A preliminary ecological appraisal, bat roost survey and great crested newts' survey have been submitted in support of the application with a transport assessment, flood risk assessment, coal mining risk assessment and phase 1 desk study and preliminary risk assessment being submitted following receipt of consultation responses from statutory consultees. Reconsultation has been undertaken on this information.

Planning permission was granted for the existing dwelling on the site under application reference 94/00830/FUL on the 2nd November 1994 (erection of a single storey dwelling with detached double garage).

2. Publicity

26 Neighbours have been notified.

Press Notice published Leicester Mercury 5 September 2018.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Objection from;

Ravenstone with Snibston Parish Council on the following grounds:

- Ravenstone has been subjected to considerable built development that has already outstripped the local infrastructure that supports the village;
- The addition of 28 dwellings will add a considerable increase in traffic volume to Fosbrooke Close which has inadequate visibility at its junction with Ashby Road;
- Ashby Road is subjected to a high volume of traffic with recent speed surveys demonstrating that vehicles travel in excess of the speed limit;
- The proposed development will further extend the building line of Ravenstone;
- The design and scale of the dwellings are not in keeping with the current street scene;
- The development results in the loss of greenfield space which is a concern within the village.

No Objections from;

NWLDC - Environmental Protection.

No Objections, subject to conditions and/or financial contributions, from;

Coal Authority.

Leicestershire County Council - Archaeology.

Leicestershire County Council - Developer Contributions.

Leicestershire County Council - Ecology.

Leicestershire County Council - Highways Authority.

Leicestershire County Council - Lead Local Flood Authority.

National Forest Company.

West Leicestershire Clinical Commissioning Group.

NWLDC - Affordable Housing Enabler.

NWLDC - Environmental Protection (Contaminated Land).

NWLDC - Urban Designer.

Third Party Representations

23 representations have been received objecting to the development with the comments raised summarised as follows:

Sustainability of settlement and impact on services

- The settlement of Ravenstone has limited amenities to sustain further residential development with there also being limited public transport opportunities.
- The village school is at capacity.
- Any development should make suitable contributions to mitigate its impact to services.

Highway safety

- The transport statement contains numerous inaccuracies.
- The junction of Fosbrooke Close with Ashby Road has limited visibility in a south-eastern direction with such visibility limited by the on-street parking of vehicles upon Ashby Road.
- Such on-street parking matters are compounded in adverse weather conditions as topography of Fosbrooke Close and The Leascroft makes it difficult for vehicles to manoeuvre.
- Vehicles travel in excess of the speed limit on Ashby Road.
- Highway safety measures should be implemented as part of the development including double yellow lines and speed ramps on Ashby Road or the installation of traffic lights at the junction.
- Insufficient off-street parking will be provided as part of the development.

Design and integration of development into environment

- Amount of dwellings proposed will lead to a development which would be inconsistent with the character of the area and an appropriate housing mix is not proposed.
- The scale of dwellings proposed is not compatible with the single storey nature of dwellings on Fosbrooke Close.

Residential amenity

- Provision of residential development will impact adversely on residential amenities in terms of noise, dust and dirt associated with its construction, scale and position of dwellings causing overbearing, overshadowing and overlooking impacts as well as headlights from vehicles shining directly into the windows of properties opposite.
- Occupants of Fosbrooke Close are mainly elderly and therefore a residential development encouraging families to the area will cause tension in this respect.
- Foul water pumping station could have an adverse visual impact as well causing smell detriment to neighbouring residential properties.

Ecology

- As a greenfield site the application site should be retained for ecological benefits.
- The hedgerow between the site and The Leascroft should be retained given its ecological value.
- Pond on the site contains great crested newts and should be retained as part of the development.
- Tree planting should be provided on the site to provide a buffer zone to existing properties on Fosbrooke Close.

Other Matters

- Given the coal mining legacy of the site it should be ensured that the type of development proposed is acceptable.
- Risk based land contamination assessments should be undertaken given the poor condition of the ground.
- It should be ensured that the existing foul drainage network can accommodate the foul drainage associated with the development given the existing problems with the current system.

The following non-material planning considerations have been raised by third parties:

- Views of the wider countryside will be reduced as a result of the development.
- Development will impact on the value of my property.

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 and 76 (Delivering a sufficient supply of homes);
Paragraph 98 (Promoting healthy and safe communities);
Paragraphs 105, 108, 109 and 110 (Promoting sustainable transport);
Paragraphs 117, 118, 122 and 123 (Making effective use of land);

Paragraphs 126, 127 and 130 (Achieving well-designed places);
Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 170, 175, 178, 179 and 180 (Conserving and enhancing the natural environment);
and
Paragraph 199 (Conserving and enhancing the historic environment).

Adopted North West Leicestershire Local Plan (2017)

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

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy H4 - Affordable Housing;
Policy H6 - House Types and Mix;
Policy IF1 - Development and Infrastructure;
Policy IF3 - Open Space, Sport and Recreation Facilities;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy 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).
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

5. Assessment

Principle of Development and Sustainability

The site is located within the Limits to Development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted Local Plan and other material considerations. Within the NPPF (2019) there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole, or if specific policies in the NPPF indicate development should be restricted.

In respect of social sustainability it is noted that numerous third party representations which have been received have commented that the settlement of Ravenstone is not socially sustainable by virtue of the limited level of services which are available. Although third parties are of this view Policy S2 of the adopted Local Plan highlights that Ravenstone is a 'Sustainable Village' where a limited amount of growth will take place within the defined Limits to Development. Services within Coalville, the primary settlement in the District under Policy S2 of

the adopted Local Plan, would also be easily accessible to residents of Ravenstone via public transport and non-car modes of transport.

It is also the case, in accordance with Policy IF2 of the adopted Local Plan, that the level of proposed development (i.e. a major application) is required to mitigate its impact to infrastructure (such as schools and doctors surgeries) by the provision of relevant developer contributions. The '*Developer Contributions*' section of this report, below, outlines in more detail the contributions which would be secured, but in brief these would include monetary contributions towards education, civic amenity, the doctors surgery on Whitwick Road, Coalville, bus passes, improvements to bus stops on Ashby Road and the off-site planting of trees within the National Forest. Affordable housing would also be secured on the site and, overall, the securing of such contributions within a Section 106 agreement would ensure that the development is socially sustainable.

Overall it is considered that future occupants would not be heavily dependent on the private car to access the most basic of services and consequently the development would support the approach to a low carbon economy.

The provision of the housing would result in development on a greenfield site which is not allocated in the adopted Local Plan for such form of development. Whilst the site is not allocated, and greenfield land is not the most sequentially preferred land on which to provide new development, it is noted that it is within the Limits to Development and if there was an intention to resist development on the site then the land could have been allocated outside the defined Limits to Development in the same manner as the land to the west of the site. In this context, as well as taking into account the visual relationship the development would have with existing properties on Fosbrooke Close and The Leascroft and the provision of an ecological buffer protecting the ecological significance of the site, it is considered that the loss of the greenfield site would not result in significant conflict with the environmental objective enshrined within the NPPF.

Overall there would be no substantial harm to the built and natural environment, with any harm being outweighed by the economic benefits associated with the construction of the dwellings and the positive social sustainability aspects of the scheme. As a result the proposal is considered sustainable in accordance with Policy S2 of the adopted Local Plan and the core objectives of the NPPF.

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

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

At present the application site comprises residential garden and paddocks with land levels which rise from south-west to north-east. Predominately the properties on Fosbrooke Close which border the application site are single storey detached types, although two-storey properties do exist within the wider area on The Leascroft and Hall Gardens as well as fronting onto Ashby Road. Open agricultural land is set to the west of the site.

It is noted that layout, scale, appearance, internal access and landscaping are included as matters to be considered at a later stage with only part access being approved at this stage. Ashby Road is a principle highway through the settlement of Ravenstone and whilst properties on this highway follow a relatively uniform building line and are orientated to address Ashby

Road, it is noted that residential development has extended in a south-western direction away from Ashby Road in the form of Fosbrooke Close, Hall Gardens and The Leascroft. Although the proposal would be a further extension of Fosbrooke Close, and would extend development further in a south-western direction than that established, it is considered that any impact to the character and appearance of the streetscape and wider area would not be sufficiently detrimental as to warrant a refusal of the application given the integration of the development with residential estates which are consistent with the character of the area.

The Council's Urban Designer reviewed the indicative layout originally submitted and raised concerns that the proposed number of dwellings would not result in a satisfactory standard of design when assessed against relevant policy including the Council's adopted Good Design SPD and Building for Life 12 (BfL 12). Following the omission of the total number of dwellings from the application description, the Council's Urban Designer considers a scheme could be progressed on the site which would accord with relevant policy but, at this stage, a scheme where only part access is for approval is not sufficiently advanced to be fully assessed against such criteria. As a consequence of this it would be necessary at the reserved matters stage for a BfL 12 assessment to be supplied to specify how the development would accord with the principles of this guidance. This would be secured by a condition on any consent granted.

In terms of the appearance and scale of the dwellings these would be agreed at the reserved matters stage and, at this point, an appropriate design could be achieved which would accord with the Council's current design agenda by providing a scheme which responds to the positive characteristics of dwellings within the area. Given the presence of single storey dwellings on Fosbrooke Close it is considered that a note to applicant would be required to be imposed on any permission granted to make them aware that the scale of the proposed development progressed at the reserved matters stage(s) will need to respect the scale of existing development on Fosbrooke Close.

Public footpath O38 lies 38 metres to the north-west of the site with public footpath O51 being set 11 metres to the south-west of the site. It is considered that the redevelopment of the application site for residential dwellings would have no greater impact on views established from these footpaths given that the development would not obstruct features of significance in the wider landscape, as well as the fact that existing dwellings on Fosbrooke Close, as well as those on Hall Gardens and The Leascroft, are already visible in such views. On this basis the development does not conflict with Paragraph 98 of the NPPF.

Overall it is considered that a layout, appearance and scale of development could be provided at the reserved matters stage which would be consistent with the aims of Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD and Paragraphs 124 and 127 of the NPPF.

Density

It is noted that the adopted Local Plan contains no policy guidance on density although an appropriate density is assessed on the integration a development would have with the built environment in which it is set, as required by Policy D1 of the adopted Local Plan and the environmental objective of the NPPF. Paragraph 122 of the NPPF also outlines "*planning policies and decisions should support development that makes an efficient use of land*" taking into account such factors as "*the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting infrastructure and change*" (criterion (d)) and "*the importance of securing well-designed, attractive and healthy places.*" (criterion (e)).

Based on the site area of 0.91 hectares a scheme of 28 dwellings would have resulted in a

density of development of 30.7 dwellings per hectare although when excluding areas of the site which would not be developable, due to other constraints, the site area would be reduced to 0.74 hectares which results in a density of development of 37.8 dwellings per hectare. In terms of neighbouring development the following densities currently exist:

- Fosbrooke Close - 14.53 dwellings per hectare;
- Hall Gardens - 13.73 dwellings per hectare; and
- The Leascroft - 20.2 dwellings per hectare;

Given the existing density of development established in the area it was considered that a scheme of 28 dwellings would result in a density which would be inconsistent with that established on neighbouring residential development which has extended in a south-western direction away from Ashby Road. As a consequence any future development would fail to integrate into the environment in which it would be set contrary to Policy D1 of the adopted Local Plan, the environmental objective of the NPPF and in particular Paragraph 122 of the NPPF.

Following the omission of the proposed total number of dwellings from the application description it is considered that an appropriate density of development could be achieved when progressing a layout at the reserved matters stage.

Housing Mix

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).

Given that the number of dwellings has been omitted from the application description there is no longer a proposed mix. It is, however, the case that the means of securing a suitable mix of dwellings is a matter to be addressed at the outline stage rather than during the consideration of any subsequent reserved matters application, due to housing mix in itself not being a reserved matter. On this basis it is considered necessary, as part of any permission granted, to impose a condition which requires an appropriate mix of dwellings to be provided as part of any subsequent reserved matters application(s). Such a mix should be compliant with the aims of Policy H6 of the adopted Local Plan.

Overall it is determined that an appropriate form of development could be secured at the reserved matters stage(s) which would be consistent with the aims of Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD and Paragraphs 124 and 127 of the NPPF.

Accessibility

All matters are reserved for subsequent approval except for part access. The point of access shown on the submitted plan would be centralised within the north-eastern boundary of the application site following the demolition of no. 11 Fosbrooke Close. Whilst the illustrative layout shows internal access roads these would be dealt with at the reserved matters stage(s).

It is proposed that the vehicular access would have a width which would be compliant with the guidance outlined in the Leicestershire Highways Design Guide (LHDG), with such an access being able to accommodate pedestrian visibility splays of 1 metre by 1 metre and vehicular visibility splays of 2.4 metres by 33 metres in both directions which would be acceptable within a cul-de-sac location. On the basis of the information shown on the plans the County Highways Authority (CHA) have raised no objections subject to the imposition of relevant planning conditions on any permission granted.

The ability for vehicles to manoeuvre within the site so as to exit in a forward direction would be a matter to be addressed at the reserved matters stage(s) once a layout was progressed.

Whilst acknowledging the concerns raised by third parties and the Parish Council associated with the additional vehicular movements on highways within the settlement of Ravenstone, and the suitability of the levels of visibility at the junction of Fosbrooke Close with Ashby Road resulting in detriment to pedestrian and highway safety, 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."* In the absence of an objection from the CHA it is concluded that the proposed development would not have an unacceptable impact on highway safety nor would the cumulative impacts of development be severe. As such the proposal would accord with Policy IF4 of the adopted Local Plan as well as Paragraphs 108, 109 and 110 of the NPPF.

The specific off-street parking arrangements for each individual property would be assessed and addressed following the submission of any subsequent reserved matters application, given that this would be dependent on the total amount of bedrooms within a particular dwelling, as required by the Council's adopted Good Design SPD and the LHDG. As a consequence of this the particular requirements of Policy IF7 of the adopted Local Plan and Paragraph 105 of the NPPF would be satisfied at that time.

Neighbours and Future Occupants Amenities

The site borders with residential properties on Fosbrooke Close to its north-eastern boundaries, but would also adjoin with no. 9 Fosbrooke Close to its south-eastern boundary and no. 14 Fosbrooke Close to its north-western boundary.

The impact on neighbouring occupiers arising from the proposed dwellings would need to be assessed at the reserved matters stage(s) once the layout, appearance and scale of the dwellings was known. Notwithstanding the details shown on the indicative layout plan, which proposes an amount of dwellings which would be unlikely to come forward on the site given the design concerns raised above, there would appear to be no reason in principle why a residential development could not be provided on the site in a manner which would not adversely impact upon amenities of the occupants of adjoining residential properties.

In establishing an acceptable relationship with existing residential properties at the reserved matters stage, it could also be ensured that the amenities of any future occupants of the proposed dwellings are adequately protected.

It is also considered that the noise generated by vehicular movements along an access road between nos. 9 and 14 Fosbrooke Close, as well as to the rear of existing dwellings on

Fosbrooke Close, would not result in any adverse noise implications to existing amenities given that both Fosbrooke Close and The Leascroft have been developed in similar circumstances, being to the rear and between dwellings fronting onto Ashby Road, as well as the fact that the Council's Environmental Protection Team have raised no objections to the application in this respect.

Although dirt and noise would be associated with the future construction of any residential development on the site, it is considered that this is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours of construction is often applied but in this instance as the Council's Environmental Protection Team have raised no issues to the development in this regard, it is considered that the imposition of an hours condition would be unreasonable.

Overall the means of part access is considered to be compliant with Policy D2 of the adopted Local Plan as well as Paragraph 180 of the NPPF.

Landscaping

Existing landscaping on the site is mainly confined to its south-eastern and south-western boundaries in the form of hedgerows, and as part of the consultation process the County Council Ecologist has commented, amongst other things, that a 5m wide wildlife corridor should be provided between the hedgerow to the south-western boundary and any part of the residential development.

As the layout is not for approval at this stage such a matter would need to be considered in greater detail at the reserved matters stage but it is considered reasonable to impose a condition which specifies that any layout progressed would need to demonstrate compliance with the request of the County Council Ecologist.

Notwithstanding the above there is no other soft landscaping which would act as a constraint in the development of the site and the physical soft landscaping provided as part of the proposal, with tree planting being encouraged given the National Forest setting of the development, would be considered in greater detail at the reserved matters stage.

Hard landscaping on the site would also be considered under a reserved matters application.

Overall, it is considered that a residential development can be progressed at the reserved matters stage which complies with Policies D1, En1 and En3 of the adopted Local Plan.

Ecology

Both the County Council Ecologist and Natural England have been consulted on the application.

In terms of the County Council Ecologist they have no objections to the application provided that the existing pond is retained and that all land immediately around the pond is managed as foraging habitat for great crested newts (GCNs), as well as the retention of the hedgerow to the south-western boundary which will be protected by a 5 metre wide wildlife corridor. It is also the request of the County Council Ecologist that conditions be imposed on any consent granted to ensure a mitigation plan for the impacts on GCNs, and the future management of the wildlife corridor be provided as part of the reserved matters permission.

It is considered that conditions can be imposed to ensure that the requirements of the County Council Ecologist are met when a reserved matters application in respect of the layout is submitted.

With regards to Natural England (NE) they originally commented that the surface water drainage strategy for the proposed development had the potential to impact on the Newton Burgoland Marshes Site of Special Scientific Interest (SSSI) by virtue of Blower's Brook, where surface water would be discharged to, being a tributary of watercourses which run through the SSSI.

Amendments made to the plans have identified that a swale, as part of a Sustainable Urban Drainage System (SuDS), could be provided as part of the surface water drainage system which would seek to improve the quality of any surface water run-off from the site. Reconsultation has been undertaken with NE on the basis of this information and whilst their revised response is awaited, it is noted that they have no objections to the principle of residential development on the site. It is also the case that the Lead Local Flood Authority (LLFA) would require any surface water drainage solution to include measures (such as treatment trains) to either maintain or improve the quality of surface water which would discharge from the site. On the above basis the imposition of conditions on any permission granted would ensure that the proposal would have no adverse effect on the integrity, or any features of special scientific interest, of the Newton Burgoland Marshes SSSI.

Overall the proposal would be compliant with the Habitat Regulations 2017, Policy En1 of the adopted Local Plan, Paragraphs 170 and 175 of the NPPF and Circular 06/05.

Drainage and Flood Risk

The site lies within Flood Zone 1 (which has the lowest risk of flooding) and is also not within an area which is at high risk from surface water flooding as defined by the Environment Agency's Surface Water Flood Map (there are limited areas which have a medium to low risk of surface water flooding within the south-western area of the site around the existing pond).

A Flood Risk Assessment (FRA) has been submitted in support of the application which has indicated that surface water run-off from the site would be directed to Blower's Brook which lies outside the boundaries of the application site. Following consideration of the FRA the Lead Local Flood Authority (LLFA) advised that it needs to be demonstrated that the applicant had either control of Blower's Brook or that consent had been given by the owner/operator of Blower's Brook to enable surface water run-off to be directed to this watercourse. The applicant subsequently amended the scheme so that an outfall within the application site, which still discharges to Blower's Brook, would be utilised with evidence being provided of the existence and condition of this outfall. Following consideration of this revised information the LLFA have no objections to the application subject to the imposition of conditions in relation to details of the precise surface water drainage scheme to be provided, the means of mitigating surface water run-off during the construction phase, the management and maintenance of the surface water drainage solution and that infiltration testing is undertaken to ensure that the ground can accommodate soakaways.

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.

Insofar as foul drainage is concerned, it is indicated on the application form that this would be discharged to the mains sewer with such discharge being agreed with Severn Trent Water under separate legislation. In the circumstances that Severn Trent Water have raised no

representation to foul drainage discharges being managed in this manner, it is considered that the additional demands for foul drainage could be met by the existing sewerage system in place and therefore the proposed development would accord with Paragraph 180 of the NPPF.

Archaeology

The County Council Archaeologist has indicated that an appraisal of the Leicestershire and Rutland Historic Environmental Record (HER) notes the proposed site falls within the area of the post medieval garden earthworks located to the south-west of Ravenstone Hall. In the circumstances that the application site is relatively undisturbed there is a reasonable likelihood that archaeological remains are present.

Given the opportunities which exist for archaeological remains to be present on the site, the County Council Archaeologist considers it necessary for conditions to be imposed on any consent for a programme of archaeological work to be carried out, in advance of the development commencing, in order to record and advance the understanding of the significance of any heritage assets. Such conditions are considered reasonable given the archaeological potential of the site and their inclusion ensures compliance with Policy He1 of the adopted Local Plan and Paragraph 199 of the NPPF.

Developer Contributions

Requests have been made for Section 106 contributions towards education, civic amenity, transportation, the NHS, off-site National Forest planting and affordable housing. These requests have been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations) as well as Policy IF1 of the adopted Local Plan and Paragraphs 34, 54 and 56 of the NPPF.

It is noted that such requests, with the exception of the transportation and National Forest requests, were based on a scheme for 28 dwellings but given that the amount of dwellings proposed has now been omitted from the description it is considered that any contributions which are to be secured would need to be calculated once the total number of dwellings was approved at the reserved matters stage. On this basis the Section 106 agreement would outline the formulas which would have to be followed in order to calculate the contributions which would be required. A clause would also need to be included in the Section 106 to stipulate that its terms would no longer be applicable if the total number of dwellings created was less than 10 with the floor space of such dwellings not exceeding 1000 square metres, this being the level of development where contributions would not be sought.

The requested development contributions are listed below.

Affordable Housing

The Council's Affordable Housing Enabler has advised that on a greenfield site within Ravenstone it would be anticipated that 30% of such housing should be affordable in order to comply with Policy H4 of the adopted Local Plan and such provision should be provided on site.

Paragraph 64 of the NPPF also requires 10% of the overall number of dwellings to be created (i.e. before the Council's affordable housing calculation is undertaken) to be affordable home ownership products.

It is also advised by the Council's Affordable Housing Enabler that the Housing, Economic and Development Needs Assessment (HEDNA) outlined within Policy H6 of the adopted Local Plan indicates that 80% of affordable properties should be rented with the remaining 20% being Low Cost Home Ownership (LCHO) products. Whilst such an approach is outlined in the HEDNA

given the aims of Paragraph 64 of the NPPF it is anticipated that the 10% of the LCHO to be provided in line with this Paragraph would total more than the 20% required by the HEDNA. Although this is the case such an approach is accepted by the Council's Affordable Housing Enabler given that the NPPF is more recent guidance in this respect.

On the basis that the total number of dwellings to be created is unknown at this stage the Section 106 would be worded to outline the level of affordable housing which would be required, with the Council's Affordable Housing Enabler also requiring clauses to be imposed within the legal agreement to ensure that affordable housing is delivered to the council should a registered provider not make an offer on the affordable housing.

The internal space standards for an affordable house, based on HCA Design and Quality Standards, would also be outlined within the Section 106 agreement.

In the circumstances that the above mechanisms can be secured in the Section 106 agreement, and the applicant is willing to meet these affordable housing requests, the development would be compliant with Policy H4 of the adopted Local Plan and Paragraph 64 of the NPPF.

Education

Based on 28 dwellings Leicestershire County Council (Education) requested a primary school sector contribution of £118,195.20 for Woodstone Community Primary School with no requests made for the high, upper or special schools sectors. The education contribution for the primary school sector is calculated as follows:

Number of Pupils Generated by the Development (total number of dwellings x 0.3 (pupil ratio per house)) x £14,592 (Department for Education (DFE) amount per pupil) = Total Contribution.

Such a claim is for dwellings with two bedrooms+

This calculation would be included within the Section 106 agreement.

The reasoning for the request outlining that no more than five obligations (including those proposed) have been sought for the scheme/project and as such no issues arise in respect of pooling (insofar as the limitations on pooled contributions as set out within the CIL Regulations are concerned). It is noted, however, that the CIL Regulations will be amended on the 1st September 2019 to remove pooling restrictions.

The applicant has confirmed their acceptance to this calculation being included within the Section 106 agreement.

Civic Amenity

Based on 28 dwellings Leicestershire County Civic Amenity requested a contribution of £1,765 for improvements to the civic amenity facilities within Coalville which would mitigate the increase use of this facility generated by the proposed development. The civic amenity contribution is calculated as follows:

Total Number of Dwellings x £65.38 (the Current Rate for the Coalville Civic Amenity Site) = Total Contribution.

Such a contribution would be used towards new storage containers at the above civic amenity site with the reasoning for the request outlining that no other obligations have been sought for this project. As such no issues arise in respect of pooling (insofar as the limitations on pooled

contributions are set out within the CIL Regulations are concerned). It is noted, however, that the CIL Regulations will be amended on the 1st September 2019 to remove pooling restrictions.

The applicant has confirmed their acceptance to this calculation being included within the Section 106 agreement.

Transportation Contributions

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

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- Two six month bus passes per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services as an alternative to the private car and to establish changes in travel behaviour from first occupation (£360 per pass).
- Raised kerb provision at the two nearest bus stops to support modern bus fleets with low floor capabilities (£3,500 per bus stop).
- Improved provision at the north-west bound bus stop (on Ashby Road) including an area of hardstanding (£1,000), pole and flag (£170) and information display case (£120).

The applicant has confirmed their acceptance to the payment of these contributions.

West Leicestershire Clinical Commissioning Group

Based on 28 dwellings NHS Leicester requested a contribution of £15,292.08 for improvements to Whitwick Road Surgery, Whitwick Road, Coalville which will require additional consulting space to mitigate the impacts of the development. The NHS contribution is calculated as follows:

Additional Patients to be Accommodated (total number of dwellings x 2.4 (average household size in North West Leicestershire) x 0.12 (standard area per metre squared per person, based on total list size of approximately 6,000) x £1,902 (cost of extension including fees per metre squared) = Total Contribution.

This calculation would be included within the Section 106 agreement with the reasoning for the request outlining that no more than five obligations (including those proposed) have been sought for the scheme/project and as such no issues arise in respect of pooling (insofar as the limitations on pooled contributions as set out within the CIL Regulations are concerned). It is noted, however, that the CIL Regulations will be amended on the 1st September 2019 to remove pooling restrictions.

The applicant has confirmed their acceptance to this calculation being included within the Section 106 agreement.

National Forest

The National Forest Company have commented that on the basis of the site area it would be expected that 0.18 hectares should be woodland planting but there is limited opportunities to provide such woodland on the site. On this basis a financial contribution of £6,300 would be expected in order to allow planting to be undertaken elsewhere in the District.

The applicant has confirmed their acceptance to the payment of this contribution.

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.

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 the adopted Local Plan, Circular 05/2005, the CIL Regulations and the NPPF.

Other Matters

The Council's Contaminated Land Officer has reviewed the submitted Desk Study and Preliminary Risk Assessment and based on its findings has determined that there are no objections to the application subject to the imposition of conditions associated with the submission of a further Risk Based Land Contamination and relevant Verification Investigation should remediation be required.

Following the submission of a Coal Mining Risk Assessment the Coal Authority have determined that they have no objections to the application subject to the imposition of conditions to secure the submission of a scheme of intrusive site investigations to define the alignment of the opencast highwall and potential presence of shallow mine workings, the provision of a 'no build' zone around the opencast highwall (once its position is identified) and the submission of a scheme of remedial works to address any shallow mine workings.

It is considered that the imposition of such conditions are reasonable given the proposed residential development to be undertaken and the need to ensure the health and safety of future occupants of the proposed dwellings. On this basis the proposal would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 178 and 179 of the NPPF.

In respect of the concerns raised regarding the accuracy of information in the supporting documentation associated with the application, 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.

Conclusion

The site is located within the Limits to Development where the principle of residential development is acceptable, with the development also being within a socially sustainable location and not impacting adversely on the environment due to its visual integration with Fosbrooke Close as well as Hall Gardens and The Leascroft. It is also considered that the site could be developed, at the reserved matters stage, in a manner which would not appear out of keeping with the character and appearance of the surrounding locality, and which would not adversely impact on the amenities of neighbouring residents, highway safety, ecology, archaeology, contaminated land, the coal legacy of the site or further exacerbate any localised flooding issues. There are no other material planning considerations that indicate outline 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 outline planning permission be granted.

RECOMMENDATION - PERMIT, subject to a legal agreement and conditions and no objections being raised by Natural England;

1. **Timeframe for reserved matters.**
2. **Approval of reserved matters details.**
3. **Approved plans.**
4. **Finished floor and ground levels as part of reserved matters.**
5. **Building for Life 12 (BfL 12) assessment as part of reserved matters.**
6. **Housing mix.**
7. **Access provided.**
8. **Pedestrian and vehicular visibility splays.**
9. **Closure of existing accesses.**
10. **Surface water drainage.**
11. **Risk based land contamination report.**
12. **Verification investigation.**
13. **Coal Authority intrusive site investigation.**
14. **Reserved matters of layout to address findings of Coal Authority intrusive site investigation.**
15. **Great Crested Newts mitigation.**
16. **Reserved matters of layout to include retention of pond, retention and enhancement of foraging habitats around pond and provision of wildlife corridor to retained western boundary hedge.**
17. **Management of retained ecological features and biodiversity enhancements.**
18. **Hedge protection plan during construction.**
19. **Archaeology.**