

Erection of 101 dwellings (Outline - access, appearance, layout and scale included)

Report Item No
A8

Land At Leicester Road Ashby De La Zouch Leicestershire

Application Reference
13/00857/OUTM

Applicant:
David Wilson Homes East Midlands

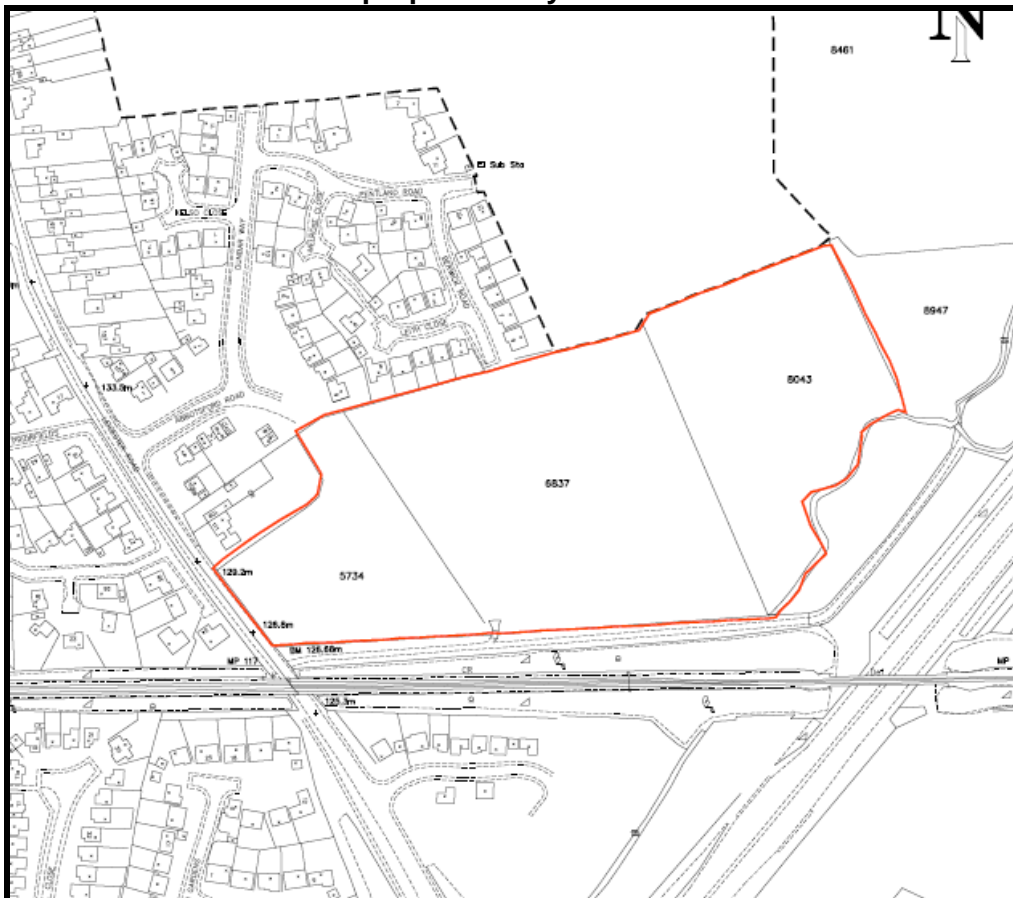
Date Registered
8 November 2013

Case Officer:
Sarah Worrall

Target Decision Date
7 February 2014

Recommendation:
PERMIT Subject to a Section 106 Statement

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

This is an outline application for 101 dwellings where the only matter reserved for subsequent approval is landscaping. As such, the scale, layout, appearance and access details are included in the current submission which also indicates the location of public open space and a balancing lagoon.

Consultations

All consultations have been undertaken and technical details have been submitted in respect of material considerations. It is considered that there are no matters raised which could not be dealt with appropriately through condition or the S106 legal agreement.

Planning Policy

The site is an allocated housing development site within the Adopted Local Plan under Policies H4a and H4b and as such is in principle acceptable subject to material planning considerations. The site also lies within the River Mease SAC catchment area. The proposed development would form a good quality and standard of residential development with a layout which would allow for connectivity with the wider residential developments adjacent.

Conclusion

The proposed development comprising dwellings, road and access, and amenity space and balancing pond would be in scale and character with the surrounding development, and would have no adverse impact on residential amenities, highway safety issues, the highway network, ecological aspects or the River Mease SAC in accordance with Adopted Local Plan Policies and the provisions and intentions of NPPF. The application is, therefore, recommended for approval.

RECOMMENDATION:- THAT PLANNING PERMISSION BE PERMITTED SUBJECT TO A S106 AGREEMENT AND SUBJECT TO CONDITIONS

MAIN REPORT

1. Proposals and Background

This is an outline application for 101 dwellings where the only matter reserved for subsequent approval is landscaping. As such, the scale, layout, appearance and access details are included in the current submission which also indicates the location of public open space and a balancing lagoon. The 101 dwellings would be a mix of 2, 3, 4 and 5 bed homes and 32 affordable units are proposed with a mix of 1, 2 and 3 bed homes. An additional affordable dwelling has been included from the 31 originally proposed to account for the loss of 1 affordable unit as a result of a replan on the Phase 1 site, north of the application site, which is currently under construction.

The site is bordered to the north by existing and committed residential development and the Burton-Leicester railway forms a physical boundary to the south. The A42 runs along the south east perimeter and is separated from the area proposed for development by a woodland area. Leicester Road borders the site to the west.

A design and access statement, planning statement, draft heads of terms, River Mease statement, BfL12 assessment, statement of community involvement, arboricultural survey, flood risk assessment, archaeological trial trench evaluation and written scheme of investigation, noise impact assessment and an ecological appraisal have been submitted as part of the application. An amended layout plan has been submitted to reflect the additional affordable housing unit for inclusion on this site. Additional information in respect of the Wood Street signal works for Phase 1 of the scheme, which is under construction, were submitted on 13 August 2014.

2. Publicity

76 No neighbours have been notified. (Date of last notification 12 November 2013)

Site Notice displayed 12 November 2013

Press Notice published 20 November 2013

3. Consultations

Ashby De La Zouch Town Council consulted 12 November 2013

LCC ecology consulted 15 July 2014

County Highway Authority consulted 21 January 2014

Environment Agency consulted 12 November 2013

Severn Trent Water Limited consulted 12 November 2013

Head of Environmental Protection consulted 12 November 2013

Natural England consulted 12 November 2013

NWLDC Tree Officer consulted 12 November 2013

County Archaeologist consulted 12 November 2013

LCC ecology consulted 12 November 2013

NWLDC Urban Designer consulted 12 November 2013

LCC Development Contributions consulted 12 November 2013

NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 12 November 2013

Development Plans consulted 12 November 2013

Head Of Leisure And Culture consulted 12 November 2013

Manager Of Housing North West Leicestershire District Council consulted 12 November 2013

Police Architectural Liaison Officer consulted 12 November 2013

Head of Environmental Protection consulted 27 November 2013
National Forest Company consulted 10 December 2013

4. Summary of Representations Received

Summary of Representations Received

Ashby de la Zouch Town Council - concerns with regard to highways issues and the capacity of Leicester Road to cope with additional traffic, capacity at the Wood Street/Upper Church Street junction where new traffic lights have not yet been installed, safety concerns about an increase in traffic on Corkscrew Lane where there is a history of accidents.

Third Party Representations

4 representations have been received, objecting on the following grounds:

- Flooding
- Impacts from construction traffic
- Noise from the A42
- Trees and vegetation along Leith Close should be retained
- Applicants should provide a metalled footway / cycleway connecting the site to Coalfield Way, thus providing access to Tesco, Aldi and McDonalds

5. Relevant Planning Policy

National Planning Guidance

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- o approve development proposals that accord with statutory plans without delay; and
- o grant permission where the plan is absent, silent or where relevant policies are out of date unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

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

"32. ...Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

"34. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas."

"47. To boost significantly the supply of housing, local planning authorities should:
...- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land..."

"49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

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

"57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

"61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

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

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

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

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

"123. Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

"203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204. Planning obligations should only be sought where they meet all of the following tests:

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

North West Leicestershire Local Plan

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application:

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

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development.

Policy E1 states that development will not be permitted within the Sensitive Areas which would adversely affect or diminish the present open character of such areas and the contribution they make to the settlement, streetscene or relationship with adjoining countryside.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 seeks to achieve good design in new development.

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

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

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

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

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

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst other things, public transport and services.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account a number of issues including housing mix, accessibility to centres and design.

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

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

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

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

Other Guidance

Submission Core Strategy

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

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

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System) sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

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

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

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

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

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

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

NWLDC SPD for Affordable Housing - January 2011

30% affordable housing will be sought on all sites of 15 or more dwellings in Ashby de la Zouch.

6. Assessment

Principle of Development

The application site is allocated for within the Adopted Local Plan for housing under allocation H4a and H4b. As such and notwithstanding the current 5 year housing land supply issue, the principle of development at this site is acceptable subject to design, amenity, ecological, heritage, River Mease SAC and highways considerations. The District Council can currently demonstrate that it has a five year housing land supply with 20% buffer plus additional housing. However, as an allocated site this would not adversely impact on the housing land supply issue and development of the site would constitute sustainable development.

Design and Conservation Issues

A design and access statement and Building for Life 12 assessment have been submitted and set out how the proposed scale, layout and appearance of the dwellings has come about. The proposed dwellings would draw characteristics of traditional buildings found within Ashby and the locality and would reflect the designs previously approved on Phase 1 and would be acceptable in terms of scale and appearance. The layout provides for a linkage with the Abbotsford Road David Wilson Homes development and Phase 1 of Leicester Road, Ashby, connecting the phases with a central loop road. Strong frontages, forms and roofscape would be provided within the streetscene through the proposed house designs and layout. As such, the proposed development would be in accordance with the NPPF and Adopted Local Plan Policy E4.

An archeological survey has been submitted as part of the application. Notwithstanding the submitted information, the County Archaeologist has recommended conditions be attached to any permission should the application be approved.

Residential Amenity Issues

The proposed dwellings would not cause any overlooking, overbearing or overshadowing issues to existing dwellings on Berwick Road, Leith Close, Abbotsford Road and Leicester Road, and would not give rise to an adverse impact on residential amenities to dwellings proposed at the

Phase 1 site to the north west of the application site.

In addition the proposed layout provides for adequate distance separation between units proposed on this Phase 2 section, and would ensure that there would be no issues of overlooking, overbearing or overshadowing between dwellings within this site.

Furthermore, a noise impact assessment has been submitted and sets out mitigation measures to ensure that there would be no adverse impact on residential amenities as a result of the close proximity of the A42. An existing woodland and grassed area would be retained and would essentially form a buffer between the A42 and the proposed dwellings. Landscaping details would be required through condition since it is a reserved matter.

The proposed development would, therefore, be in accordance with the requirements of Policy E3 of the Adopted Local Plan.

Highways Issues

The development would be served via an existing access off Leicester Road. A loop road would link the site with Abbotsford Road and the Phase 1 site to ensure complete connectivity between the wider developments.

Detailed traffic flow information has been submitted by the applicant and assessed by the Leicestershire County Council (LCC) as Highway Authority. Notwithstanding the local concerns which have been raised through representations, LCC is satisfied that the proposed development would not have an adverse impact on the highway network in terms of traffic flow or highway safety and recommends conditions be attached to any permission along with S106 requests.

The agent has submitted additional information on the Wood Street signalisation works which demonstrate that the applicant fully intends on undertaking the works and is currently waiting for a S278 highways approval in order to begin the works in relation to the previously approved Phase 1 scheme.

The proposed scheme would provide for adequate off-street parking spaces for each residential unit.

River Mease SAC, flood risk and Ecology Issues

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

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

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

The application proposes that foul drainage would be dealt with via the mains sewer system and confirms that the applicant will pay the required contribution under the DCS. Natural England has no objections provided the proposal is in full accordance with the DCS. Therefore based on the above it can be ascertained that the proposal site would not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

The flood risk assessment concludes that the site is at low risk of flooding since the site lies within Flood Risk Zone 1. Surface water run off would be dealt with through surface water drainage solutions including a balancing pond which would be provided within the site. The Environment Agency has requested an 8m wide sewer easement and this has been incorporated into the site layout.

The County Ecologist confirms that there is no objection to the amended layout subject to conditions relating to retention of the area as a natural open space and submission of a method statement for translocation of species rich turf from other parts of the site and a management plan.

Summary

The proposed development comprising dwellings, road and access, and amenity space and balancing pond would be in scale and character with the surrounding development, and would have no adverse impact on residential amenities, highway safety issues, the highway network, ecological aspects or the River Mease SAC in accordance with Adopted Local Plan Policies and the provisions and intentions of NPPF. The application is, therefore, recommended for approval.

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

- 1 Reserved matters time limit
- 2 Details of the reserved matters (appearance, landscaping, layout and scale) to be submitted
- 3 Approved Plans
- 4 Hours for construction works
- 5 Confirmation of capacity at Snarestone Waste Water Treatment Works
- 6 Details of measures to ensure capacity in sewer/drainage network
- 7 Details of foul drainage disposal
- 8 Details of surface water disposal
- 9 Development in accordance with FRA only - need to prevent development within flood risk areas
- 10 Mains sewer system only

- 11 Finished floor levels/ground levels
- 12 Exclusion of hedgerow along south eastern boundary from garden areas/curtilages and details of post and rail fencing to protect the hedgerow
- 13 Protective fencing for trees/hedgerow in accordance with Tree Survey and Tree Protection Plan
- 14 Design and method statement for any works taking place within areas of protective fencing
- 15 No storage within areas of protective fencing
- 16 Restriction on times for destruction and removal of vegetation
- 17 Survey of the site for grass snakes
- 18 Details of bird nesting boxes and bat boxes and habitat for grass snakes
- 19 Details of external lighting, including lighting assessment
- 20 Construction method statement to prevent adverse impact on River Mease SAC
- 21 Details of footways to connect to existing footways and crossing facility
- 22 Parking and turning facilities, access widths, gradients
- 23 Visibility splays
- 24 Provision and surfacing of access road
- 25 Highway drainage
- 26 Access gates
- 27 Construction traffic management plan