

APPENDIX G – APPLEBY MAGNA CONSULTATION RESPONSES

APPENDIX G – APPLEBY MAGNA (AP15 AND AP17)

RESPONSES TO PROPOSED ALLOCATIONS CONSULTATION

HOUSING		SITE NUMBER: Ap15 and Ap17		SITE NAME: Land at Old End and 40 Measham Road, Appleby Magna	
MAIN ISSUES RAISED	COUNCIL RESPONSE	ACTION	RESPONDENT ID	RESPONDENT NAME	
Principle of Development					
Appleby Magna is capable of delivering additional dwellings. The hierarchy should be amended for Appleby Magna to reflect its relationship with Merica Park, with additional housing growth facilitated within the village.	This matter has been dealt with under the responses to Policy S2.	No change.	130	Fisher German (Richborough)	
Support the allocation of Ap15 and Ap17: <ul style="list-style-type: none"> The scale of development proposed is appropriate for Appleby Magna. Ap15 is a logical site and a suitable infill extension to Appleby Magna. 	Noted, however, there is uncertainty over the ability of Ap15 and Ap17 to deliver a comprehensive development, as well as uncertainty over site capacity. When considered as separate sites, Ap15 has a capacity of less than 10 dwellings and there are questions over the ability of Ap17 to deliver 10 dwellings or more. Individually they are not suitable as housing allocations.	Delete housing allocation Ap15 and Ap17. Consideration be given to including sites Ap15 and Ap17 within the Limits to Development. Allocate Ap1 - (Remainder) West of Measham Road, Appleby Magna for around 37 dwellings.	144, 176	Marrons (Clarendon Land and Development), Stantec UK Ltd (Talavera Estates Ltd and Alexander Bruce Estates Ltd)	
The allocation is located outside of the currently defined Limits to Development and is contrary to the 2021 Settlement Study.	The amount of housing that needs to be provided for means that it is inevitable that some land that is currently identified as outside the Limits to Development in the adopted	No change with regards to allocating additional housing in Appleby Magna.	502	Lee Bridges	

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	Local Plan will need to be developed. Appleby Magna is a Sustainable Village and suitable for additional housing growth.			
Appleby Magna does not have the services to support an increase in population with the quantum of development proposed too large.	The district is expected to deliver a number of new homes during the plan period. The draft Local Plan proposes a greater number of houses in those settlements with a larger range of services and facilities, with a lower level of development proposed in the Sustainable Villages. In identifying the proposed housing allocation for Appleby Magna, regard has been had to the level of facilities and services in the village.	No change with regards to allocating additional housing in Appleby Magna.	502	Lee Bridges
Deliverability				
Question whether the housing allocation could be delivered comprehensively (as the sites are under different ownership) and the ability of the allocation to deliver the quantum of development and policy requirements proposed in the draft Local Plan.	Noted and agreed.	Delete housing allocation Ap15 and Ap17. Consideration be given to including sites Ap15 and Ap17 within the Limits to Development. Allocate Ap1 - (Remainder) West of Measham Road, Appleby Magna for around 37 dwellings.	130	Fisher German (Richborough)
The site promoters of Ap15/Ap17 are willing to undertake discussions in	Although welcomed, there is no evidence to suggest meaningful discussion has taken place to date with the site promoters/	Delete housing allocation Ap15 and Ap17. Consideration be given to including sites Ap15	144; 176	Marrons (Clarendon Land and Development),

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respect of the allocation of their site alongside Ap17/Ap15	owners of Ap15. This raises uncertainty over the deliverability of Ap15 and Ap17 as a single housing allocation.	and Ap17 within the Limits to Development.		Stantec UK Ltd (Talavera Estates Ltd and Alexander Bruce Estates Ltd)
Ap15 is in single ownership with no legal or landownership impediments and able to deliver in the first years of the plan.	Noted.	Notwithstanding this, officers have concerns about the deliverability of Ap15/17 as a single site and recommend its deletion from the Plan as a housing allocation.	176	Stantec UK Ltd (Talavera Estates Ltd and Alexander Bruce Estates Ltd)
Ap15/Ap17 is not controlled by a housebuilder or developer, nor has it been subject to any planning application for its development.	Ap15 is in single ownership and is being promoted by a housing development company. Ap17 is being actively promoted by a land promotion agent on behalf of the landowner. No housebuilder is involved at this stage.		243	Avison Young (Jelson Homes)
Highways				
Queries raised relating to site accessibility, ability to meet highway requirements and the potential presence of ransom strips.	The County Highway Authority have not raised any objections to the principle of development. A safe and suitable access could be achievable from Measham Road with consideration given to junction spacing due to other junctions in close proximity.	Notwithstanding this, officers have concerns about the deliverability of Ap15/17 as a single site and recommend its deletion from the Plan as a housing allocation.	130	Fisher German (Richborough)
Appleby Magna cannot accommodate any further large-scale development until the road is widened. Narrow roads prevent fire engines accessing the village.	The County Highway Authority have not raised any objections to the principle of development. The County Highway Authority will need to be satisfied that suitable access can be provided, and any safety concerns addressed.	Notwithstanding this, officers have concerns about the deliverability of Ap15/17 as a single site and recommend its deletion from the Plan as a housing allocation.	441	Richard Jones

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<p>Site access is not suitable to accommodate additional houses.</p>	<p>The County Highway Authority have not raised any objections to the principle of development. They have advised that a safe and suitable access could be achieved for Ap17 with consideration given to junction spacing due to other junctions in close proximity.</p>	<p>Notwithstanding this, officers have concerns about the deliverability of Ap15/17 as a single site and recommend its deletion from the Plan as a housing allocation.</p>	<p>502</p>	<p>Lee Bridges</p>
<p>Environmental Considerations</p>				
<p>No consideration has been given to the River Mease Catchment and nutrient neutrality. The ability of a site to deliver ahead of the creation of capacity in the River Mease? and not utilise created capacity should form part of the site selection process.</p>	<p>The site is within the River Mease SAC and any development proposals within Appleby Magna will need to comply with draft Policy En2.</p> <p>However, it is acknowledged that reference to the River Mease in this policy is a duplication of draft Policy En2.</p>	<p>Delete part (2)(e) from future site allocation policies. Update draft Policy En2.</p>	<p>130</p>	<p>Fisher German (Richborough)</p>
<p>Query whether there is sufficient space to deliver the necessary on site BNG improvements or the scheme's ability to fund sufficient credits.</p>	<p>Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures, or, as a last resort, through the purchase of statutory biodiversity credits. This level of detail will be dealt with as part of any planning application. However, reference to BNG in this policy is a duplication of draft Policy En1.</p>	<p>Delete part (2)(c) from future site allocation policies.</p>	<p>130</p>	<p>Fisher German (Richborough)</p>
<p>Loss of ecology and biodiversity and BNG needs to be considered. Allocation will</p>	<p>Ap15 is a historic wildlife site. LCC Ecology have previously raised no objection subject to a number of requirements. The</p>		<p>243, 502</p>	<p>Avison Young (Jelson Homes), Lee Bridges</p>

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impact on a historic wildlife site (Ap15).	historic Local Wildlife Site appears neglected and has lost value. However, reference to BNG in this policy is a duplication of draft Policy En1.			
BNG is a statutory requirement and not a site-specific requirement.	Note and agreed. Reference to BNG in this policy is a duplication of draft Policy En1.		176	Stantec UK Ltd (Talavera Estates Ltd and Alexander Bruce Estates Ltd)
The proposal would result in the net loss of a dwelling, with material and energy losses.	Revised plans have since been received which show the dwelling no longer forming part of Ap17.	Notwithstanding this, officers have concerns about the deliverability of Ap15/17 as a single site and recommend its deletion from the Plan as a housing allocation.	130	Fisher German (Richborough)
Impact of the allocation on heritage assets (Conservation Area) is a consideration.	The Council's site assessment work has had regard to heritage assets. The Council's Senior Conservation Officer has advised no harm would result provided the amount of development would reflect the amount of development at 'Old End'.	Notwithstanding this, officers have concerns about the deliverability of Ap15/17 as a single site and recommend its deletion from the Plan as a housing allocation.	130	Fisher German (Richborough)
Have archaeological issues (including ridge and furrow earthworks field system) been considered, with advice sought from Leicestershire County Council (LCC). Is there a potential impact on capacity and deliverability?	Ridge and Furrow earthworks are a surviving feature of Ap17. LCC advise that this site appears to preserve relatively degraded earthworks and could be managed by way of archaeological recording secured by a condition on any future planning permission.		357	Historic England
No harm would result from these allocations provided the	Noted. In light of the amended site area for Ap17, site	Delete housing allocation Ap15 and Ap17. Consideration	Not applicable	Northwest Leicestershire

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<p>amount of development would reflect the amount of development on “Old End”. Existing development on Old End has a density of less than ten dwellings per hectare. The proposed development should be made substantially less dense.</p>	<p>constraints and having regard to the character of development to the south, there is some uncertainty over deliverability. Identification of Ap15 and Ap17, comprehensively or independently, as a housing allocation is no longer considered appropriate.</p>	<p>be given to including sites Ap15 and Ap17 within the Limits to Development.</p>		<p>District Council’s Senior Conservation Officer</p>
<p>Potential impact on the existing public rights of way.</p> <p>Preference for the public right of way to remain on its existing route. Any diversion should preferably be through public open space and segregated from estate roads. If this is unavoidable the route should be as direct as possible.</p> <p>The loss of part of the footpath network will not be supported without a suitable diversion or if there is a significant adverse effect.</p>	<p>Where there is a potential impact, site specific policy wording references the retention and enhancement of existing public rights of way.</p> <p>The details for retaining and enhancing the public right of way will be dealt with as part of the planning application process.</p>	<p>Notwithstanding this, officers have concerns about the deliverability of Ap15/17 as a single site and recommend its deletion from the Plan as a housing allocation.</p>	<p>192</p>	<p>Leicestershire Local Access Forum</p>
<p>Development would be adjacent to and within Flood Zone 3 (The eastern edge of Both Ap15 and Ap17 lie within Flood Zone 3). Greenfield development will exacerbate flooding issue. Flood Zone 3 will impact on site capacity.</p>	<p>Noted. Amended plans for Ap17 show an extension of the site area to the east further into Flood Zone 3. Development should be directed away from areas at highest risk of flooding and any future development must have regard to these constraints.</p>	<p>Notwithstanding this, officers have concerns about the deliverability of Ap15/17 as a single site and recommend its deletion from the Plan as a housing allocation.</p>	<p>243, 404, 440,441</p>	<p>Avison Young (Jelson Homes), The Environment Agency, Natalie Pettitt, Richard Jones</p>

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	<p>Development would need to address and mitigate any flooding impacts. Given the flooding events experienced in Appleby Magna, the Local Lead Flood Authority (LLFA) will pursue significant betterment to greenfield sites or for parts of the site to be dedicated to restoring the flood plain.</p>			
<p>The allocation is located within a Lead Local Flood Area (LLFA) of known severe flooding and could have a significant impact on flood risk. The LLFA would welcome designs that include additional flood compensation/mutually beneficial options for the village and the site and early engagement from the developer is requested.</p>	<p>Further advice has been sought from the LLFA. This allocation is located adjacent to Meadow Brook. This section of the brook has been identified as key source of flooding to Old End, Blackhorse Hill, Duck Lake and Mawby's Lane, due to the brook being artificially channelised and disconnected from its original floodplain. During high storm events, the water backs up from this point and overtops onto the above referenced roads causing significant property flooding.</p> <p>The LFFA would therefore pursue a significant betterment to greenfield or dedicate parts of the land parcel unfit for development to restoring the flood plain,</p>	<p>Notwithstanding this, officers have concerns about the deliverability of Ap15/17 as a single site and recommend its deletion from the Plan as a housing allocation.</p>	341	Leicestershire County Council
Infrastructure				

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<p>Appleby Magna suffers from major flooding following rainfall. The Victorian drainage system cannot cope, with properties flooded and sewage in the street. Additional housing would exacerbate these problems.</p>	<p>Severn Trent Water (as with all water authorities) have a duty to provide water and sewage to all new developments under their statutory duty. Therefore, it is their responsibility to ensure that there is sufficient capacity in the system to accommodate new development.</p>	<p>Notwithstanding this, officers have concerns about the deliverability of Ap15/17 as a single site and recommend its deletion from the Plan as a housing allocation.</p>	<p>440</p>	<p>Natalie Pettitt</p>
<p>Health and education infrastructure and facilities is currently unable to cope. New development would place a further burden on infrastructure and services.</p>	<p>The need for the development to contribute towards the cost of additional infrastructure is recognised in the draft policy. A draft Infrastructure Delivery Plan identifies that this site will be required to contribute towards the provision of:</p> <ul style="list-style-type: none"> • Special education needs and early years provision. • Policing and • Community Infrastructure (potentially) <p>The exact level of contributions required from this site will need to be determined as part of future work.</p> <p>LCC have advised that Sir John Moore Church of England Primary has capacity for additional pupils. Secondary school provision is likely to be provided in Swadlincote and existing provision is expected to</p>	<p>Notwithstanding this, officers have concerns about the deliverability of Ap15/17 as a single site and recommend its deletion from the Plan as a housing allocation.</p>	<p>440</p>	<p>Natalie Pettitt</p>

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	accommodate any additional need for spaces.			
Policy Requirements				
An amended and reduced site area (1.27ha) of Ap17 has been provided. The site extends further to the east but no longer includes the existing residential dwelling.	In light of the reduced and amended site area, including greater encroachment into Flood Zone 3 and having regard to the character of development to the south, there is some uncertainty whether Ap17 alone could deliver 10 or more dwellings.	Delete housing allocation Ap15 and Ap17. Consideration be given to including sites Ap15 and Ap17 within the Limits to Development.	144	Marrons (Clarendon Land and Development)
Ap15 has been partially built out on its eastern part with 4 detached dwellings, 2 of which are self-build properties. Therefore, the policy requirement for self-build has already been addressed.	Ap15 is a separate entity to the adjacent site delivered previously. Self-build requirements are set out in draft Policy H7. However, reference to the delivery of self-build and custom housebuilding in this policy is a duplication of draft Policy H7.	Remove the self-build requirement from all draft site allocations policy requirements.	144	Marrons (Clarendon Land and Development)
Agree the provision of affordable housing, public open space and SuDS along with requirements set out in criterion 2a to g	Noted	Notwithstanding this, officers have concerns about the deliverability of Ap15/17 as a single site and recommend its deletion from the Plan as a housing allocation.	144	Marrons (Clarendon Land and Development)
There are no S106 contributions specific to this site.	These comments (from the promoters of Ap15) reinforce officer concerns that Ap15/Ap17 will not be delivered as a comprehensive development.	Delete housing allocation Ap15 and Ap17. Consideration be given to including sites Ap15 and Ap17 within the Limits to Development.	176	Stantec UK Ltd (Talavera Estates Ltd and Alexander Bruce Estates Ltd)
Policy should address those circumstances if Ap15 and Ap17 come forward independently.				

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<p>The size of Ap15 it would not warrant the provision of affordable housing and public open space.</p>		<p>Allocate Ap1 - (Remainder) West of Measham Road, Appleby Magna for around 37 dwellings</p>		
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APPENDIX G – APPLEBY MAGNA (ALTERNATIVE SITES)

RESPONSES TO PROPOSED ALLOCATIONS CONSULTATION

HOUSING		SITE NUMBER: Various		SITE NAME: ALTERNATIVE HOUSING SITES IN APPLEBY MAGNA	
MAIN ISSUES RAISED	COUNCIL RESPONSE	ACTION	RESPONDENT ID	RESPONDENT NAME	
<p>Land West of Measham Road (Ap1)</p> <ul style="list-style-type: none"> • A further allocation will provide choice and competition in the market. • Further development is needed in Appleby Magna due to its proximity to Mercia Park. • Site is used as a construction compound so biodiversity impact will be minimal. • BNG generated through development and its landscaping. • Infrastructure exits to support development i.e. connections to services, SuDS and access road. 	<p>Officers have undertaken a site assessment of Ap1 on the basis of a site capacity of around 37 dwellings. Its comparatively poorer access to the primary school is noted but the site is well located to the residential development to the south and set back from the main highway so as to reduce its overall visual impact on the street scene.</p> <p>The site promoter has since confirmed that the site owner is a local housing developer and land agent and reconfirmed their view that the site is deliverable. An alternative housing allocation is needed in Appleby Magna, given the proposal to deletion housing allocation Ap15 and Ap17.</p> <p>Having considered other potential housing sites in the village and their merits, Ap1 is the preferred alternative allocation. It is better related to the settlement and would 'round off' the existing residential development to the south.</p>	<p>Allocate Ap1 (Remainder) West of Measham Road for around 37 dwellings and prepare accompanying planning policy.</p>	<p>177</p>	<p>Copesticks Ltd (Westinghouse Investments)</p>	

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<p>Land at Top Street (Part of Ap6):-</p> <ul style="list-style-type: none"> • Further growth is required in Appleby Magna to maintain its sustainability, vitality & viability and to provide homes to meet housing need • Masterplan shows 50 homes; • Benefits include the delivery of a flood alleviation scheme to reduce frequency/severity of floods in the village, open space, SuDS, pedestrian/cycle links • Sensitive design to manage impact on heritage assets • Agreements in place with housebuilder to facilitate development • Site is available and deliverable, within the next 5 years 	<p>Officers have undertaken a site assessment of Ap6 on the basis of a site capacity of 165 dwellings. In terms of access to services it is noted that this site is within a good walking distance of the local primary school, as well as formal and informal recreation provision. However, concerns were raised over the prominence of the site and impact on heritage assets.</p> <p>The site promoter has since submitted a representation for part of Ap6 (Land between Church Street and Top Street) suggesting a capacity of 50 dwellings alongside other suggested benefits.</p> <p>The comments and submission are noted, but our position that the site is not allocated remains. There are still outstanding concerns including the prominence of the site when entering the village and potential impacts on heritage assets.</p>	<p>No change.</p>	<p>256</p>	<p>Evolve Planning (Cameron Homes)</p>
<p>Land East and West of Measham Road (Ap13a, Ap13b & Ap13c)</p> <ul style="list-style-type: none"> • There is a need to increase housing delivery in the district. • An illustrative masterplan shows the provision of 70-85 dwellings on Ap13a. No built development on Ap13b and Ap13c and these 	<p>Officers have undertaken a site assessment for each of these sites. A capacity of 115 dwellings was considered in respect of Ap13a. However, concerns were raised over the suitability of these sites in terms of the scale of development, relationship with the existing</p>	<p>No change</p>	<p>130</p>	<p>Fisher German (Richborough)</p>

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<p>are to provide public open space and BNG</p> <ul style="list-style-type: none"> • Can deliver an on-site nutrient neutrality solution and not reliant on water capacity at treatment works. • Well related to existing services and facilities. • Proximity to Mercia Park, a source of employment. • Can provide a high-quality development. • Landscape sensitivity is affected by the presence of the M42 and medium visual sensitivity in respect of residential development. • No technical constraints, including in terms of highways, ecology, to prevent development. • Benefits comprise retention and enhancement of landscape, provision of SuDS, open space, play areas, fitness trail, biodiversity, mix of housing types. 	<p>settlement and encroachment into the countryside.</p> <p>The site promoter has submitted a representation for Ap13a, Ap13b and Ap13c, suggesting a capacity of 70-85 dwellings on Ap13a with the remaining parcels providing for a mix of open space use, sustainable drainage and BNG.</p> <p>The comments and submission are noted, but our position that the site is not allocated remains. There are still outstanding concerns including the relationship with the existing settlement and encroachment into the countryside, on a prominent location within Appleby Magna.</p>			
<p>Church Street (Ap3 including Ap14)</p> <ul style="list-style-type: none"> • A further allocation will provide choice and competition in the market. • Ap3 & Ap14 are in the same ownership. 	<p>Officers have undertaken a site assessment of Ap3 (including Ap14) on the basis of a site capacity of 117 dwellings. In terms of access to services it is noted that this site is within a reasonable walking distance to the local primary school, and good walking distance to formal and informal recreation provision. However, concerns were raised over</p>	<p>No change.</p>	<p>177</p>	<p>Copesticks Ltd on behalf of Westinghouse Investments</p>

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<ul style="list-style-type: none"> • Further development is needed in Appleby Magna due to its proximity to Mercia Park. • Site has good access to, and approximately 1km from Mercia Park • Benefits comprise design to minimise impact on heritage assets, landscaping provision, affordable housing provision, open space and land for an extension to the cemetery. 	<p>the overall scale of the site and impact on heritage assets.</p> <p>The comments and submission are noted, but our position that the site is not allocated remains. There are still outstanding concerns including the scale of the site and impact on heritage assets within close proximity.</p>			
<p>Land east of Appleby Magna (Ap16) should be allocated for development.</p> <ul style="list-style-type: none"> • Site is capable of delivering between 100-500 dwellings. • The site could be sub divided into smaller development sites to meet local housing need if required. Or it could be developed as a whole. • The site is in close proximity to Mercia Park and could provide dwellings for the potential workforce. • Development of this significant site would allow for the provision of additional infrastructure and services and improve sustainability. 	<p>Officers have undertaken a site assessment of Ap16 on the basis of a site capacity of 424 dwellings. In terms of access to services it is noted that parts of the site are within a reasonable walking distance to the local primary school informal recreation and good walking distance to informal recreation. However, concerns were raised over the scale of the site, the level of encroachment into the countryside and the impact on the rural setting of the village. The comments and submission are noted, including the opportunity to subdivide the site, but our position that the site is not allocated remains. There are still outstanding concerns, including scale of development, physical relationship with the village and encroachment into the countryside</p>	<p>No change.</p>	<p>193</p>	<p>Pegasus Group (Hallam Land Management)</p>