

**Residential development for 27 dwellings including  
demolition/conversion of former school**

**Report Item No  
A1**

**Land Off Church Lane Ravenstone Coalville**

**Application Reference  
13/00603/FULM**

**Applicant:  
Cameron Homes Ltd**

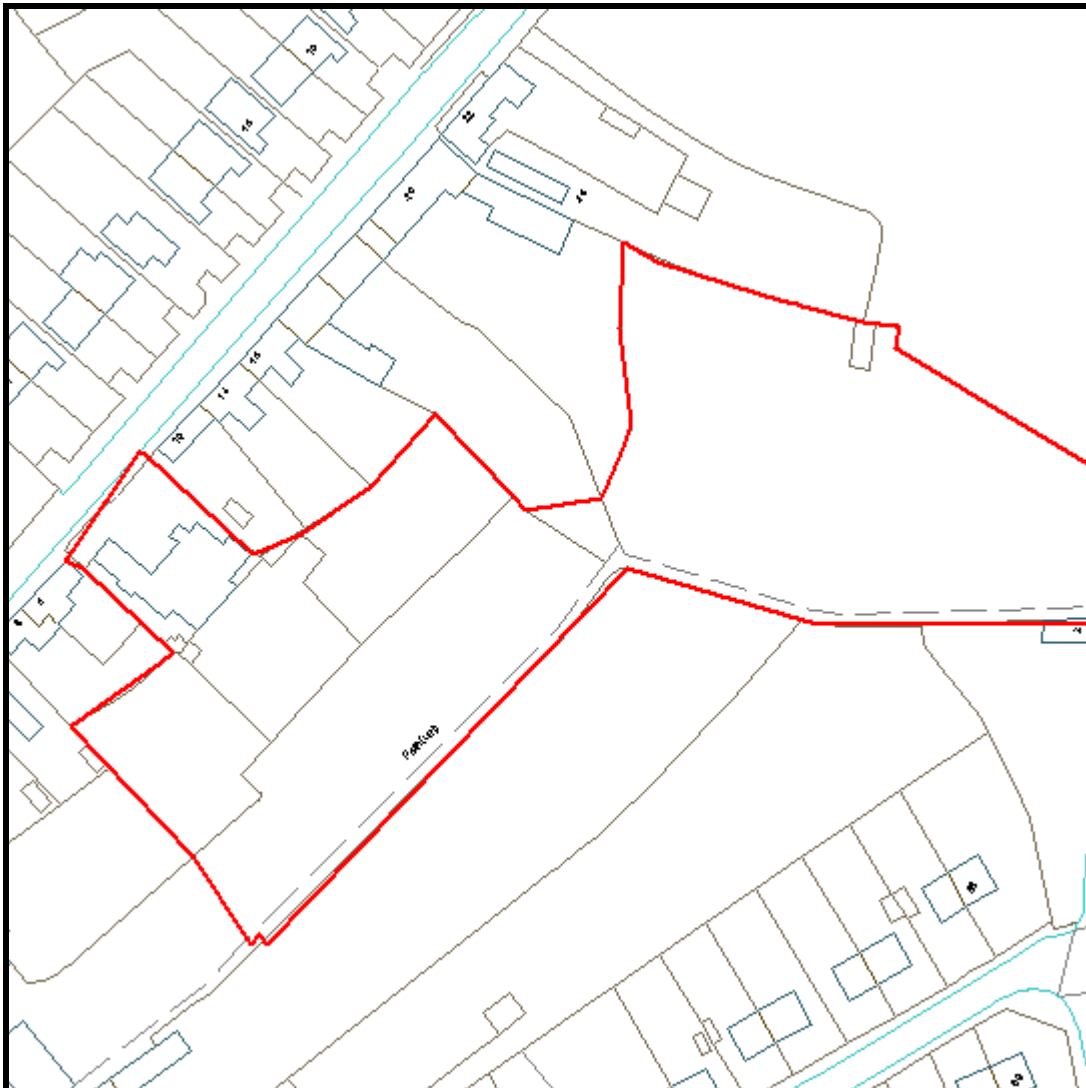
**Date Registered  
7 August 2013**

**Case Officer:  
James Mattley**

**Target Decision Date  
6 November 2013**

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

**Site Location (Plan for indicative purposes only)**



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## **Executive Summary of Proposals and Reasons for Approval**

### **Proposal**

This application seeks full planning permission for 27 dwellings including the conversion (and demolition of some parts) of the former school building that fronts onto Church Lane. Access to the site would be from Church Lane. The application site which measures some 1.16 hectares is located within the Limits to Development and within the Ravenstone Conservation Area.

An application for Conservation Area Consent (Ref: 13/00602/CON) was also submitted, seeking consent for the demolition of parts of the former school building fronting onto Church Lane, Ravenstone (the remaining parts of the building to be converted to a residential dwelling as part of the planning application). As the requirement for separate Conservation Area Consent in circumstances where there is an application for full planning permission for demolition of a building within a conservation area has, however, since been removed by the Enterprise and Regulatory Reform Act 2013 (with effect from 1 October 2013), it is no longer necessary for that application now to be determined.

### **Consultations**

Members will see from the main report below that a number of objections have been received from surrounding neighbours and from Ravenstone Parish Council. However, there are no objections raised from any other statutory consultees.

### **Planning Policy**

The application site is located within the Limits to Development as defined in the adopted North West Leicestershire Local Plan and within the Ravenstone Conservation Area. Also relevant, however, are the District's housing land requirements, and the need (as set out in the National Planning Policy Framework) to demonstrate a five year supply.

### **Conclusion**

The site lies within Limits to Development and is partly greenfield and partly brownfield land. In terms of the appropriateness of the site's location for housing development, the proposed location would not conflict with the provisions of Local Plan Policy S2 and it is considered that this part of Ravenstone is a sustainable location for new dwellinghouses. Taking this into account it is considered that the principle of residential development on the site is acceptable.

The proposed development would be acceptable in terms of the residential amenities of existing and future occupiers, and would provide for an appropriate form of design that would be in keeping with the locality and would have an acceptable relationship with the Conservation Area. The proposal would be acceptable in relation to highway safety, subject to appropriate planning conditions. The scheme would not result in significant impacts upon protected species and there would be no significant flood risk or drainage issues. Although a number of trees would be removed from the site, including eleven Lombardy Poplars, the proposed tree planting would mitigate the loss of these trees and secure long-term landscape effect within the Ravenstone Conservation Area.

A viability appraisal has been submitted by the applicants to demonstrate that the scheme would not be viable with affordable housing requirements and with the full range of other developer contributions. The reasons for this are given in the viability appraisal and include Conservation Area design enhancements, additional foundation costs due to the presence of

trees, landscaping, service diversions, sewer works and demolition/conversion of the school building. This has been independently assessed by the District Valuer and they confirm that a reduced level of developer contributions would be acceptable in this instance.

Overall, the scheme would have a good design and would use a good standard of materials given that the site is located within the Conservation Area and would also provide much needed housing to address the Council's lack of a 5 year supply of housing. These issues count in favour of the scheme. However, the use of such materials has contributed to a viability issue on the site whereby the scheme is unable to make full developer contributions towards social infrastructure (including education, health, affordable housing etc). This issue counts against the scheme and raises issues as to whether the scheme can be considered to be sustainable development. However, on balance, it is considered that the positive benefits arising from the proposed development outweigh the negative issues and as such it is considered that the scheme would be acceptable.

Therefore, it is recommended that full planning permission be granted, subject to Section 106 obligations and relevant planning conditions.

**RECOMMENDATION:- PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF CONDITIONS**

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

## MAIN REPORT

### 1. Proposals and Background

This application seeks full planning permission for 27 dwellings including the conversion (and demolition of some parts) of the former school building that fronts onto Church Lane. Access to the site would be from Church Lane. The application site which measures some 1.16 hectares is located within the Limits to Development and within the Ravenstone Conservation Area.

Residential properties along Church Street are located to the north of the application site, residential properties along Main Street are located to the south-west of the application site, residential properties along Ravenslea are located further to the east and to the north-east are open fields. Two public footpaths (O46 and O42) run through the site and would be retained along their existing line but with improved surfacing arrangements.

The proposed development would be accessed via a new road which would be constructed immediately to the south-west of the former school building. The accommodation mix comprises 6 no. 3 bed dwellings, 12 no. 4 bed dwellings and 9 no. 4 bed dwellings. There would be a mixture of detached, semi-detached and terraced properties which would be predominantly provided over two and three storeys (the second floor accommodation (where included) provided within the roof space).

The application is accompanied by a transport report, flood risk assessment (FRA), design and access statement, heritage statement, building for life assessment, ecology report, arboricultural report, landscaping specification, sustainability statement, drainage statement, planning statement and statement of community involvement.

The application falls to be determined by the Planning Committee as Councillor Nigel Smith is one of a number of landowners within the application site. It is also considered necessary for the application to be determined at the Planning Committee given that there are also a number of other applications for residential development within Ravenstone (13/00626/OUTM and 13/00780/OUTM) being considered separately on this agenda.

Pre-application advice has been carried out prior to the formal submission of this application.

An associated Conservation Area Consent application in respect of demolition works to the existing school building has also been submitted (ref: 13/00602/CON) but is no longer required to be determined as the requirement for a separate Conservation Area Consent in circumstances where this an application for full Planning Permission for demolition of a building in a conservation area has been removed with effect from 1 October 2013 by the Enterprise and Regulatory Reform Act 2013.

Relevant Planning History:

09/00101/CON - Partial demolition of former Primary School building (Conservation Area Consent) - withdrawn.

09/00104/FUL - Conversion and partial demolition of former Primary School to form 2 No. new dwellings and erection of 3 no. new dwellings - withdrawn.

09/00701/FUL - Conversion and partial demolition of former Primary School to form 2 No. new dwellings and erection of 3 no. new dwellings (Revised Scheme) - permitted.

### 2. Publicity

32 No neighbours have been notified. (Date of last notification 9 December 2013)

Site Notice displayed 9 August 2013

Press Notice published 21 August 2013

### 3. Consultations

Ravenstone With Snibston Parish Council consulted 9 August 2013  
English Heritage- major dev in CA consulted 30 September 2013  
County Highway Authority consulted 12 August 2013  
Environment Agency consulted 12 August 2013  
Severn Trent Water Limited consulted 12 August 2013  
Head of Environmental Protection consulted 12 August 2013  
Natural England consulted 12 August 2013  
NWLDC Tree Officer consulted 12 August 2013  
County Archaeologist consulted 12 August 2013  
LCC ecology consulted 12 August 2013  
NWLDC Conservation Officer consulted 12 August 2013  
NWLDC Urban Designer consulted 12 August 2013  
LCC Development Contributions consulted 12 August 2013  
NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 12 August 2013  
Development Plans consulted 12 August 2013  
Manager Of Housing North West Leicestershire District Council consulted 12 August 2013  
Police Architectural Liaison Officer consulted 12 August 2013  
LCC/Footpaths consulted 12 August 2013  
National Forest Company consulted 12 August 2013  
LCC ecology consulted 4 October 2013  
LCC Fire and Rescue consulted 26 November 2013

### 4. Summary of Representations Received

**Ravenstone Parish Council** objects to the application on the following grounds:

- 1) Inaccuracies with the Statement of Community Involvement;
- 2) Density is too great;
- 3) Road network is inadequate;
- 4) Trees are being felled and should be retained;
- 5) Land ownership issues;
- 6) The local facilities and services cannot cope with this development.

**English Heritage** states that the application should be determined in accordance with national and local policy guidance and on the basis of the District Council's specialist conservation advice.

**Environment Agency** has no objection subject to the inclusion of relevant conditions.

**Leicestershire County Council Archaeologist** raises no objection to the proposed development subject to the inclusion of relevant conditions.

**Leicestershire County Council Ecologist** originally placed a holding objection to the application pending submission of a landscape plan and amendments to the layout to allow for alterations to the northern boundary hedge. On the basis of additional information that has now been received the County Ecologist raises no objection to the proposed scheme.

**Leicestershire County Council Local Education Authority** requests a contribution of £127,960.52.

**Leicestershire County Highway Authority** raises no objection to the proposed development subject to the inclusion of relevant conditions and obligations.

**Leicestershire County Council Highway Transportation & Waste Management Authority** requests a developer contribution of £1,919 in order to mitigate the impact on civic amenity waste facilities in the local area.

**Leicestershire County Council Library Services Development Manager** requests a contribution of £1,710.

**Leicestershire County Footpaths Officer** originally objected to the application as one of the rights of way within the site would not be consistent with the objectives of providing rights of way that are safe, attractive and easily accessible. However, following the submission of amended details the objection has now been withdrawn.

**National Forest Company** notes the proposed removal of the majority of the trees on the site. As no woodland planting and landscaping is proposed within the development, the National Forest Company requests a financial contribution of £4,640 along with relevant conditions.

**Natural England** raises no objections to the proposed development subject to conditions.

**NHS England** requests a financial contribution of £4,699.92 to address capacity issues at the GP surgery in Coalville.

**North West Leicestershire Contaminated Land Officer** has no objections subject to conditions.

**North West Leicestershire Environmental Protection Section** has no environmental observations.

**Severn Trent Water** has no objections subject to conditions.

Five letters of support have been received which supports the development on the following grounds:

- The existing site is an eyesore;
- The scheme retains the majority of the school building;
- The land behind the school is overgrown and is not used often;
- Trees within the site are becoming dangerous;
- The site is located within the limits to development;
- The scheme would be an attractive development;
- The school was previously a considerable traffic problem;
- The increase in village population would be extremely small;
- Development would help in providing housing for the district;
- Villages must continue to grow;
- Would be keen to purchase one of the proposed properties;
- The land is currently a fire hazard and could attract travellers;

A total of 58 letters of objection have been received which object to the application on the following grounds:

The access does not have adequate visibility for the speed of the road;  
The introduction of double yellow lines would prevent existing properties from parking;  
The extra vehicles would have an unacceptable impact on the narrow roads in the area;  
Church Street and Main Street already have issues with on-street car parking;  
Parking issues in the surrounding area are exacerbated when funerals take place at the nearby church;  
Access is unsuitable for heavy vehicles and emergency vehicles;  
The traffic situation will be further exacerbated by other development in Ravenstone;  
On-street car parking restricts visibility from the access;  
There would be local objection to the introduction of double yellow lines;  
County Highway Authority has previously stated that an application for more than 5 dwellings on the site would raise concerns;  
There have been recent accidents on the Church Lane crossroads;  
Church Lane is noticeably busier since traffic calming measures were introduced on Leicester Road;  
There would be restricted pedestrian visibility due to number 8 Church Lane being directly on the footpath;  
Is there sufficient parking being provided within the development?  
Accidents could increase due to an increase in the volume of traffic;  
What traffic calming measures are proposed?  
There is no footpath directly opposite the proposed entrance;  
Plot 7 would be overbearing and cause overshadowing to existing residential properties;  
Additional traffic would bring about fumes and noise;  
Construction would result in noise pollution, dust and muddy roads;  
Proposal would result in pollution;  
Plot 3 will cause overlooking to surrounding residential properties;  
Proposed dwellings would be in close proximity to the rear boundary of 26 Church Lane;  
The density and scale of the development is unacceptable;  
The proposed garage on the site frontage would be detrimental to the street scene and the Conservation Area and would obstruct the view of the old school;  
The proposal would remove an element of the village history and heritage;  
Green areas should be preserved;  
The scheme would be detrimental to the character of the Conservation Area;  
Demolition of a substantial part of the village school would compromise its positive contribution to the Conservation Area;  
The proposed development is incongruous in form and design;  
The school should be retained and converted as a whole;  
A more sympathetic approach with less properties would be more in keeping with the conservation of the village;  
No other development in the Ravenstone Conservation Area has ever been of this size;  
The proposed layout has little open space and feels more like an urban development;  
There is nothing remarkable about the design of the housing;  
Application is not in accordance with Policy E10, E11, E13 E16 and E17 of the Local Plan;  
Previous Conservation Officer objected to a similar scheme;  
The 2.4metre high brick wall between the public footpath and No.5 Main Street is too high and not in keeping with the rest of the Conservation Area;  
Three storey dwellings are not in keeping with the surrounding area;  
The loss of rear gardens to Listed Buildings would impact on their character;  
The access requires the demolition of an old front boundary wall;

The proposed designs have no character or identity;  
The application is invalid because of inaccuracies in the ownership certificates and because the application site includes land owned by others;  
Heavy traffic during construction periods could impact on safety of residents;  
The schools are already at full capacity;  
The scheme should make the necessary contributions towards social housing and education;  
Most residents would be reliant on the private car;  
The proposal would impact on the existing public footpath network and alter the outlook from rural to suburban;  
The existing sewerage system is not capable of taking this proposal;  
Proposal would lead to an increased risk of flash floods;  
The village is too small to be able to support all of the new people;  
The bus stop referred to in the submission is no longer in use;  
Proposal would impact on the ecology of the area;  
Poplar trees should be retained as the majority of them are healthy;  
Poplar trees are a local landmark feature and should be independently examined;  
The statement of community involvement is flawed and inaccurate;  
There has not been a public consultation prior to the formal submission of this application;  
The proposal is on green belt land;  
Is the junior school at Ravenstone large enough for the increased number of children?  
Councillor Smith would benefit financially from this development and has violated the Council's Code of Conduct;  
There are inaccuracies in the plans in relation to Plot 3;  
To be considered sustainable the dwellings should be built to a better standard than Code 3;  
No children's play area is provided;  
The majority of trees and hedgerows are proposed to be removed;  
Application should be withdrawn given the inaccurate comments made in the statement of community involvement;  
A previous application (09/00701/FUL) was rejected by officers;  
The bus service is inadequate;  
Suggest that local people are given the opportunity to devise a Neighbourhood Plan;  
The footpath would not be as well used if the development were to proceed;  
Proposal would impact on surrounding property prices;  
An Ash tree on the site boundary has not been taken into account;  
The clerk to the Trustees should have been notified rather than a member of the Trustees;  
Replacement planting is unacceptable and would not offset the loss of the Poplar trees;  
If the Poplar trees are unsafe then they should have been removed from the site previously.  
Ravenstone is already taking a disproportionate burden of additional housing;  
Only 80 more houses are required by the Core Strategy until 2031;  
Most of the land is not previously developed land as it is residential curtilage;  
This application is not required given other housing applications in the village;  
No development plan exists in the area.

**Ravenstone Local History Group** objects to the application on the following grounds:

The proposals involve demolishing a substantial proportion of the village school which is an unlisted building of architectural or historic interest;  
The proposal involves 27 new dwellings in the Conservation Area and into open land;  
The modern garage on the site frontage would obstruct views towards the school;  
Demolition of parts of the school would result in clear views towards the proposed dwellings;  
The part demolition of the school would diminish the value of the Conservation Area;  
The type of development proposed is not a feature of the village or the Conservation Area;



Approval of this application would set a precedent for similar proposals;  
There is no need for the development given other housing applications within the village.

## 5. Relevant Planning Policy

### National Policies

#### *National Planning Policy Framework*

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.

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

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as set out in more detail in the relevant section below 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.

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

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

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

"32 All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. 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."

"53 Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

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

"59 Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

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

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

"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;...
- opportunities to incorporate biodiversity in and around developments should be encouraged..."

"120 To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location.... Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

"121 Planning policies and decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;...
- .- adequate site investigation information, prepared by a competent person, is presented."

"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..."

"124 Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan."

"129 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

" 132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

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

- the nature of the heritage asset prevents all reasonable uses of the site; and  
no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and  
conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and  
the harm or loss is outweighed by the benefit of bringing the site back into use."

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

"173 Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy

burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

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

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

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

### **Adopted North West Leicestershire Local Plan (2002)**

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 S2 sets out that development will be permitted on allocated sites and other land within the Limits to Development, where it complies with the policies of this Local Plan.

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 others, 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 housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

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

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 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, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 requires new development to respect the character of its surroundings.

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows

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

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting.

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

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria.

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.

## **Other Policies**

### **North West Leicestershire District Council Affordable Housing SPD**

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in the Ravenstone area.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within the Ravenstone area.

### **North West Leicestershire District Council Play Area Design Guidance SPG**

The District Council's Play Area Design Guidance SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

### **Submission Core Strategy (April 2012)**

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

## **6. Assessment**

### **Principle of Development and Sustainability**

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

In terms of the adopted North West Local Plan, the site is located within the limits to development where the principle of residential development is normally considered to be acceptable. However, it is still necessary to consider whether the proposal represents sustainable development as the NPPF states that there is a presumption in favour of sustainable development.

The application site is partly brownfield land (the former school site) and partly greenfield land (the parts of the site that form residential gardens) within the settlement boundary of Ravenstone. Local Plan Policy H4/1 provides a sequential approach to the release of land for housing and this proposal would fall within criterion (f) in other locations where appropriate in the context of other policies contained in the Local Plan. The second section of the policy goes on to outline a set of criteria relating to the sustainability of the location.

In terms of the sustainability of the site, Ravenstone provides a good range of day to day facilities including a primary school, general store, village/community hall, recreational facilities and public house. There is also a reasonable level of public transport; the Arriva 9A service provides an hourly service Monday to Friday from 0705 to 1830 and a Saturday service from 0720 to 1830 between Burton upon Trent and Coalville.

In terms of distance to amenities, the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' details the distance of 800 metres is considered to be the preferred maximum walking distance to a town centre with 400 metres acceptable and 200 metres being desirable. Below are the approximate distances from the centre of the site to local facilities and services via the existing and footpath network:

Bus Stop - 450 metres (the bus stop outside of the site is no longer in operation)  
Primary School - 600 metres  
Post Office - 500 metres  
Open Space - 250 metres  
Village Hall - 700 metres  
Public House - 350 metres

The application site is within 800 metres (preferred maximum walking distance) of the services listed above. Taking these matters into account, it is considered that the site would be located within a sustainable area.

In terms of the parts of the site that have greenfield status, it is accepted that the site does not perform well. However, this issue needs to be considered in the context of the need to demonstrate and maintain a five year housing land supply in the District, and the need for sites to be released to meet this need. Given the need to provide significant areas of housing land within North West Leicestershire, it is considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan. Furthermore in respect of Policy H4/1, this would represent a policy relating to the supply of housing and, as such, its relevance also needs to be considered in the context of Paragraph 49 of the NPPF which states that *Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.*

The NPPF requires that the Council should be able to identify a five year supply of housing land and include an additional buffer of 5% or 20% depending on previous performance in terms of delivery of housing. The appeal decision of May 2013 in respect of land south of Moira Road, Ashby de la Zouch, found that the "Sedgefield" approach should be used (an approach to assessing land availability also suggested as appropriate within the draft National Planning Practice Guidance) and that a buffer of 20% should be allowed for. On this basis, the District Council's most recent calculations indicate that the Council is only able to demonstrate a supply of 4.43 years which represents a significant shortfall vis-à-vis the requirements of the NPPF. Approval of this scheme, which is located within the limits to development and includes some

brownfield land, would make a valuable contribution to increasing the District's housing land supply.

As part of the land constitutes residential gardens, paragraph 53 of the NPPF would be of relevance which outlines that inappropriate development of residential gardens should be resisted where there is the potential that development would cause harm to the local area. The implications of the development to the character and appearance of the streetscape and surrounding area (as discussed in more detail below) would not be sufficiently detrimental to justify a refusal of the proposal given the fact that the development would be to the rear of the properties fronting onto Main Street. A sufficient amenity area to the existing properties would also be retained and, therefore, it is considered that the principle of the development would not conflict with the aims of paragraph 53 of the NPPF.

Having regard to all of the above it is considered overall that the proposed development of the site is acceptable in principle.

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

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

In terms of likely future needs the GL Hearn Leicester and Leicestershire Housing Requirements Study which was used to inform the housing requirement in the now withdrawn Core Strategy includes information regarding future natural change across the district. Based on this up to 59 dwellings would be required when looking at Ravenstone Village (that is all that part within the limits to development identified in the Local Plan from Church Lane to the Leicester Road crossroads) and up to 89 dwellings for Ravenstone parish. However, natural change makes no allowance for migration or changes in the age structure and so can only be regarded as an indicator of minimum future needs.

It is estimated that there are 588 properties in the village of Ravenstone within the Limits to Development in the adopted Local Plan. This proposal for 27 dwellings would represent a 5% increase in the existing number of dwellings. There are 945 properties in the Parish of Ravenstone; an additional 27 dwellings would represent a 3% increase in the existing number of dwellings.

In the absence of any other definitive figures, by way of comparison, the housing requirement proposed in the now withdrawn Core Strategy (9,700 dwellings) represented an increase of 23% in the number of dwellings compared to the plan start date of 2006 (estimated that there were 42,297 dwellings in 2006). Therefore, the proposed development would represent a lower level of growth than that for North West Leicestershire as a whole and this development alone would not result in a significant increase in development to the village. It is considered unlikely that the scale of this development alone would be detrimental to the local character of the area.

However, there are outstanding applications in Ravenstone for the development of up to 65 dwellings (Ibstock Road) and for up to 50 dwellings (off Heather Lane), reported separately in this agenda, and consideration should also be given to the cumulative impact of all of these developments. Taking into account the other two proposals (65 dwellings at Ibstock Road and 50 dwellings at Heather Lane) there would be an additional 142 dwellings which would represent an increase of 24% in the existing number of dwellings in the defined limits of development of Ravenstone and 15% increase in the number of dwellings in the Parish of Ravenstone. There is also a site at Coalville Lane, Ravenstone that is currently being

developed and 35 of its dwellings are located in the Parish of Ravenstone. If these dwellings were included within the cumulative calculation as well, this would represent an increase of 19% of the dwellings within the Parish of Ravenstone.

Therefore in terms of scale the scheme is considered to be acceptable. With regards to cumulative impacts, the proposals identified above would only represent a slighter higher growth than that for North West Leicestershire as a whole, as was detailed in the Core Strategy. Taking this into account, it is not considered that the scheme should be refused on cumulative impacts.

### **Means of Access and Traffic Issues**

Access to the site would be from Church Lane on the northern site boundary, in the form of a simple priority junction. This would replace the existing private access to the former Ravenstone Primary School. Pre-application discussions have taken place with the County Highway Authority and it is understood that concerns regarding on-street parking in the vicinity of the access were raised as an issue. In order to mitigate these concerns, it has been agreed that double yellow lines would be required either side of the proposed access and this would require a Traffic Regulation Order (TRO). A number of objections have been received from surrounding neighbours, and Ravenstone Parish Council, regarding the highway safety issues arising from the proposed development.

In relation to these concerns, the County Highway Authority has been consulted and has considered, amongst other things, issues such as visibility, width of existing and proposed access, parking, accident records in the surrounding area, traffic calming and the volume of traffic. Having considered all of the relevant issues the County Highway Authority raises no objection subject to the inclusion of relevant conditions. The proposed conditions include for amended parking details and a requirement that only 20 dwellings could be occupied until such time as the TRO securing double yellow lines has been implemented.

A number of letters of representation have been received stating that the County Highway Authority have previously commented (in 2008) that any residential development of more than 5 dwellings is unlikely to be supported. The County Highway have specifically responded to this concern:

There has been a change in the emphasis of the work of the Transport Development Control Team at Leicestershire County Council over recent years and in some circumstances this has led to changes in our views regarding some developments, away from previously held positions. Central to this is, of course new evidence provided by Central Government particularly expressed in its document 'Manual For Streets 2', published in September 2010.

With regard to car parking, the Local Plan includes parking standards in the Annex (based on Leicestershire County Council parking standards) that seeks to ensure that no more than an average of 1.5 off-street car parking spaces are provided per dwelling, and were based on the advice contained in PPG3. PPG3 has now been superseded by the advice in the NPPF which is less prescriptive in terms of parking standards. The advice in the NPPF is that Local Planning Authorities should, amongst other things, take account of expected levels of car ownership, the type, mix, accessibility and use of the development and the opportunities for public transport.

In terms of car parking on the site, the scheme would provide two spaces per dwelling plus garage space. If it is assumed that all garages are used for car parking then the development would result in an average of 3 spaces per dwelling. If it is assumed that 40% of garages would



be used for car parking, in accordance with recent research, this would result in a parking provision of 2.4 spaces per dwelling. Regardless of the assumptions made regarding the use of garages, it is clear that the level of car parking is over and above the required level of 1.5 spaces per dwelling in the Local Plan. Whilst this level of car parking is over and above the level required by the Local Plan, it is noted the County Highway Authority raises no objections to the level of car parking and the Council's Urban Designer raises no objection to the design of the car parking spaces across the scheme. On this basis, the level of car parking is considered to be acceptable.

Letters of objection have indicated that the proposal would not provide access for emergency and service vehicles. However, Leicestershire Fire and Rescue Service have been consulted and they consider that the access is adequate and they have no further comments to make.

Concerns have been expressed regarding the width of the road along Church Lane, the visibility splays in the area, accidents in the local area and that the proposed access would not be suitable for emergency vehicles. The concerns of the Parish Council and neighbouring residents in relation to highway safety are recognised. However, the County Highway Authority has no objections to the proposed development subject to relevant highway conditions. Therefore, it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan or the advice in the NPPF.

### **Trees and Hedges**

The proposal would result in the loss of the majority of the trees on the site (there are approximately 50 no. individual trees), internal hedgerows and several tree/scrub groups. However, the majority of the landscaping on the site is not worthy of retention but the most critical arboricultural impact would be the loss of 11 no. mature Lombardy poplars which form a local landmark particularly visible from Church Lane and Ravenslea. It is accepted that 3 no. trees are in poor condition and do require felling for safety reasons and the remaining trees suffer from recent branch failure as a result of neglect and smothering Ivy. However, it is clear that the Lombardy poplars are a severe constraint on developing the site as they are fairly centrally located and have grown to a significant height. Poplars are regarded by some as problematic to retain on development sites due to their high moisture requirement. If they were to be successfully retained the number of dwellings on the site would need to be significantly reduced.

The applicants landscaping scheme originally centred around street planting in order to off-set the loss of the trees on the site. The Council's tree officer originally raised concerns over the proposal because all of the Lombardy poplars would be lost as a result of the development, along with a number of other trees, and because the proposed replacement planting would not have provided long-term landscape effect to compensate for the loss of trees on the site. The landscaping plan was considered to be unacceptable as it would have resulted in street planting that was too close (in some instances as close as 1.5 metres away) from the front elevations of new properties which would clearly have resulted in future conflict between significant landscape impact and residential amenity.

Following significant negotiations and meetings between the applicant, agent, landscape consultant, case officer and the Council's Tree Officer an amended site layout and amended landscaping proposals were submitted. The amendments still proposed 27 dwellings on the site and still proposed the removal of all of the Lombardy poplar trees on the site but included for more appropriate tree planting within the site including a number of feature trees. The replacement planting would have a better relationship with the proposed dwellings and ensure

that both can co-exist. The Council's Tree Officer concludes that: *with a few changes, the sizes, numbers and quality of the proposed tree planting will mitigate the loss of the eleven Lombardy poplars and secure long-term landscape effect within the village conservation area in keeping with the proposed layout.*

A number of conditions regarding existing and proposed trees would be required including a method statement detailing the design of no-dig construction near to the existing trees, tree protection plan (including foundation design) and management plan for both trees and hedges.

A letter of objection has been received from a neighbouring occupier indicating that an Ash tree is located close to the boundary and is not included in the submitted tree survey details. The Council's Tree Officer has considered the impact of the proposal upon this tree and states that branch removal would not be required to implement the proposed build. The Ash tree is considered to be low quality (BS 5837 Retention Category C) and should not be a constraint on development. However, house construction as shown on the submitted layout plan would encroach into the root protection area and therefore there is a need for a specific tree protection plan and foundation design (i.e. pile and beam) to avoid root damage and prevent future subsidence risk.

In terms of hedges, the County Ecologist raises no objections subject to a condition that a hedge is planted with a native species hedge. A condition would be required to cover its retention, protection and management in order that the boundary to open countryside remains as a native landscape feature.

Taking all of these issues into account it is considered that the impact upon trees and hedgerows is acceptable and the scheme would be acceptable in relation to Policy E7 of the Local Plan.

### **Density**

Local Plan Policy H6 provides that, for sites of 0.3 hectares and above, residential development should meet a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services, and a minimum density of 30 dwellings per hectare elsewhere. The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances.

With a site area of 1.16 hectares, the proposal would have a density of 23.2 dwellings per hectare. Whilst the density is slightly low in relation to Local Plan Policy H6, it is considered appropriate in this instance in view of the existing lower density that can be found in the surrounding Conservation Area and as the proposed scheme would have an acceptable layout. In coming to this conclusion it is noted that the Council's Urban Designer and Council's Conservation Officer has no objections to the proposed development. Therefore, the scheme is considered to be acceptable in relation to the advice contained in Policy H6 of the Local Plan and the advice in the NPPF.

### **Housing Mix**

In addition to affordable housing (defined as including social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market), the NPPF also provides in Paragraph 50 that Local Planning Authorities should " plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people

with disabilities, service families and people wishing to build their own homes)". The scheme proposes for 3, 4 and 5 bed detached, semi-detached and terraced dwellings which are considered to represent an appropriate housing mix on the site. Therefore, the scheme is considered to be acceptable in relation to the advice contained in the NPPF.

### **Design and Impact on Heritage Assets**

The need for good design in new residential development is outlined not only in Local Plan Policy H7, but also paragraphs 57, 60 and 61 of the NPPF, with paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy E4 requires new development to respect the character of its surroundings.

The scheme has been the subject to extensive discussions and negotiations with the District Council's Urban Designer and Conservation Officer both at the pre-application advice stage and during the course of the application. The main issues that have been identified during this process have been the conversion of the existing school, termination of vistas, preventing the domination of cars/garaging and ensuring for appropriate landscaping. The scheme includes for bespoke house types throughout, drawing upon the positive characteristics of built development in the surrounding Conservation Area.

In terms of urban design, the District Council's Urban Designer considers that the previous concerns have been satisfactorily addressed. Therefore, subject to the satisfactory discharge of conditions, the proposed development would offer a good standard of design.

The site lies within the Ravenstone Conservation Area and includes the conversion of the former school house. The principle of converting the school house has already been established by the granting of planning application 09/00701/FUL and the building is currently redundant and at risk of deterioration. The Council's Conservation Officer welcomes the removal of inappropriate later additions and retention of the more significant elements of the building as this would preserve and enhance the character of the Ravenstone Conservation Area.

The proposal would result in development within an existing undeveloped area within the Conservation Area and would also include for development within the rear garden of No.7 Main Street which is a Grade 2 Listed Building and the rear garden of No.5 Main Street. The submitted heritage statement demonstrates this land has been historically undeveloped. However, a significant area of the gardens to the rear of 5 and 7 Main Street would be retained and there is a sufficient degree of separation between the proposed development and the historic core of the village. The Council's Conservation Officer considers that the proposal would harm the setting of the Conservation Area, but this harm is less than substantial, and therefore not significant enough to raise an objection.

The development proposes a range of materials (brick, render, timber) that are seen elsewhere in the Conservation Area. The Council's Conservation Officer considers that the style of the proposed development takes reference from historic buildings in the village, and the layout creates an attractive addition to the area. The loss of trees is regretful, but their replacement with appropriate species should negate this harm in the medium to long term. Appropriate materials such as bricks, timber windows, clay plain tiles and stone cills and heads would be conditioned to ensure that the materials are appropriate for the Conservation Area. Therefore,

subject to planning conditions, it is considered that the proposed development would have an acceptable impact on the Conservation Area and is deemed to be acceptable in relation to the advice contained in the NPPF with regard to design and impact upon heritage assets.

It was originally intended to provide a garage on the site frontage that would have obscured views towards the converted school house but following concerns from officers and in letters of objection, the applicant's have removed the garage from the scheme.

A letter of representation objects to the application because three storey dwellings are not in keeping with the surrounding area. Whilst some of the proposed dwellings are 2.5 storeys in height (none are a full three storeys), no objections are raised by the Council's Conservation Officer nor the Council's Urban Designer and, therefore, this element of the proposal is considered to be acceptable. In any case there is a full three storey dwelling located along Church Lane.

In terms of design and heritage issues, therefore, it is considered that the proposed dwellings are appropriate in this area and would not detract from the character and appearance of the Conservation Area, and the requirements of Local Plan Policies E4, H7 and the advice contained in the NPPF are considered to be met by the scheme.

### **Residential Amenity**

Consideration has been given to the impact of the development on surrounding residential properties. The most immediately affected dwellings would be along Church Lane, Main Street and Piper Lane.

With regards to the impact upon 6, 8, 10, 14, 16 and 18 Church Lane, these dwellings all have rear gardens in excess of 15 metres and at this distance it is not considered that any significant overbearing or overshadowing impacts would arise. It is also noted that the impact of this proposal upon these properties would be similar to the impact arising from planning permission 09/00701/FUL which was considered to have an acceptable impact upon the amenities of the occupiers of these dwellings. Plots 1, 3 and 27 would have side elevations in close proximity to the boundaries with these properties and it would be necessary to ensure that any side windows are fitted with obscure glass and are non-opening.

In terms of the impact on 4a Church Lane the rear elevation of Plot 27 would be around 12 metres away from the boundary of this dwellinghouse. Immediately adjacent to the boundary is the far end of the rear amenity space of 4a Church Lane but at a distance of 12 metres it is not considered that any significant overlooking impacts would arise.

Plots 22-26 would be positioned to the rear of 5 and 7 Main Street. These dwellings along Main Street would still benefit from rear gardens measuring at least 30 metres and, on this basis, it is not considered that the proposal would result in any significant overlooking, overbearing or overshadowing impacts.

Plots 17-22 would be positioned adjacent to the western side boundary of No.9 Main Street. This dwelling, like 5 and 7 Main Street, benefits from a substantial and long rear garden. The proposed plots in this area would have rear gardens of between 9 and 14 metres which would ensure that the dwellings would not be located immediately on the boundary with this residential garden. Taking these matters into account it is not considered that the proposal would result in any significant overlooking, overbearing or overshadowing impacts.

In terms of the impact of the proposal upon The Barn, Church Lane plots 8, 9 and 10 would be located around 70 metres away from the main part of the dwellinghouse. At this distance no residential amenity impacts would arise from these plots. Plot 3 would have its rear elevation around 9 metres away from the boundary with this dwelling and whilst this distance is slightly short it is considered to be acceptable when having regard to the size of the garden, the nature of the area which would be impacted upon and the existing landscaping that would be retained. Plots 7 and 8 would be located immediately on the boundary with this property but again the area that would be impacted upon is located a significant distance away from the formal garden area and on this basis, it is not considered that significant overbearing or overshadowing impacts would arise. It would be necessary to ensure that any side windows are fitted with obscure glass and are non-opening.

Plots 9 and 10 would be located to the rear of No.20 Church Lane and there would be a distance of around 70 metres away from the main part of the dwellinghouse. Plot 9 would have a rear garden area of 7 metres and plot 10 would have a rear garden area of 11 metres and taking these distances into account along with the overall separation distances between the dwellings, it is not considered to result in significant overlooking, overbearing or overshadowing impacts.

It is considered that construction noise 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 is often applied but in this instance as the Environmental Services Manager raises no issues to the development in this regard, it is not considered necessary. The Environmental Services Manager raises no issues over fumes, noise or any other pollution arising from this residential development.

It is, therefore, deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the Local Plan.

### **Children's Play Area**

Under the District Council's Play Area Design Guidance Supplementary Planning Guidance (SPG), on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that 27 dwellings are proposed, this would require a play area of not less than 540 square metres. No on-site children's play area is proposed as part of this proposal and no off-site commuted sum is proposed. The Council's SPG regarding children's play areas specifies that the Council will not seek any additional provision where existing play areas, within 400 metres walking distance, satisfy the needs of the area, including the proposed development.

There would be a distance of less than 400 metres between any part of the proposed site and the existing children's play area and, therefore, this would be considered a reasonable walking distance in accordance with the Council's SPG. The existing children's play area is considered to be of a sufficient size and accommodates a sufficient level of equipment. Therefore, it is not considered that an off-site commuted sum will be required in this instance.

### **Public Footpath**

The developers intend to make provision for the existing rights of way (O42 and O46) within the development along their existing routes.

Footpath O46 (which runs from Main Street to Piper Lane) is intended to be surfaced with tarmacadam to a width of 2 metres where it passes through the application site, and the County Footpath Officer confirms that this treatment is acceptable. The County Footpath Officer requested that this surface treatment be extended to include the short length of the path between the application site and Main Street. The applicant's have agreed to surface this section of the public footpath and the proposed layout plan has been updated accordingly.

In terms of footpath O42 (which runs from Church Lane to Piper Lane) concerns were originally expressed regarding the width, character and surfacing material of the section of this footpath within the boundaries of the proposed development. The applicant's were advised that the County Council would be looking for a width of 2 metres surfaced with tarmacadam together with one metre wide verges on either side. Again, the applicant's have agreed to amend the layout and surface this part of the public footpath in accordance with the advice from the County Footpath Officer.

On the basis of the amended layout, the County Footpath Officer raises no objection to the proposal. No concerns have been expressed by the County Footpath Officer regarding the construction of a brick wall either side of a section of Public Footpath O42.

### **Ecology**

The County Ecologist considers that the ecology survey by FPCR (June 2013) is satisfactory and no further survey work is required. FPCR identified that the only habitats of significance were the hedges within the site and on the site boundaries. Although some of these hedges would be lost there would be habitat compensation provided. Subject to the imposition of suitably-worded conditions, therefore, the submitted scheme is considered acceptable in ecological terms.

### **Developer Contributions**

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

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

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

The relevant developer contributions are listed below.

### *Affordable Housing*

The Council's Affordable Housing Officer comments that the scheme should provide for 30% affordable housing within the site (which would equate to 9 dwellings). The Council's preferred approach is for this agreed provision to be made on site. Where a developer considers that there are exceptional circumstances why on site provision is not appropriate then an off site commuted sum can be paid in lieu of on site provision. Should an off-site commuted sum be paid on this site then it should be in the region of £360,000.

### *Transportation Contributions*

As set out under Highway Safety above, 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).
- 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £325.00 per pass - NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
- Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop.
- Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display.
- Contribution towards equipping the nearest suitable bus route with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. At a total of £2700.00.

### *Education*

In respect of the proposed education contributions, Leicestershire County Council comments as follows:

#### Primary School Requirements:

The site falls within the catchment area of Woodstone Community Primary School. The School has a number on roll of 211 and 290 pupils are projected on the roll should this development proceed; a deficit of 79 places (of which 72 are existing and 7 are created by this development).

There are two other primary schools within a two mile walking distance of the development:

Hugglescote Community Primary School Deficit 230

All Saints Church of England Primary School Coalville Deficit 54

The overall deficit including all schools within a two mile walking distance of the development is 363 places. The 7 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 7 pupil places in the primary sector is justified.

In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of £78,401.58.

#### High School Requirements:

The site falls within the catchment area of Ibstock Community College. The College has a net capacity of 705 and 664 pupils are projected on roll should this development proceed; a surplus of 41 places after taking into account the 3 pupils generated by this development. An education contribution will therefore not be requested for this sector.

**Upper School Requirements:**

This site falls within the catchment area of Ashby School. The School has a net capacity of 1841 and 1860 pupils are projected on roll should this development proceed; a deficit of 19 pupil places (of which 16 are existing and 3 are created by this development). There are no other upper schools within a three mile walking distance of the site.

In order to provide the additional upper school places anticipated by the proposed development the County Council would request a contribution for the upper school sector of £49,558.93.

*National Forest Planting*

The National Forest Company request a financial contribution of £4640 given that no woodland planting or landscaping is proposed on site.

*Civic Amenity*

A contribution of £1919 is proposed to be made by the developer for Civic Amenity facilities in accordance with the requirements of Leicestershire County Council.

*Library Services*

A contribution of £1710 is proposed to be made by the developer for library services in accordance with the requirements of Leicestershire County Council.

*Healthcare*

NHS England (Leicestershire and Lincolnshire Area) requests a healthcare contribution of £4,699.92 as set out in the consultation response above, and relating to proposed expansion of consulting space within GP practices in Coalville based upon a contribution commensurate to the anticipated increased population arising from this development.

*Conclusions in respect of Developer Contributions*

The following requests have been made:

National Forest Company	£4640
NHS	£4699
Education	£127,960
Civic Amenity	£1919
Library	£1710
County Highway Authority	£13,170
Affordable Housing	£360,000
<b>Total</b>	<b>£514,098</b>

The applicant's agent has provided a viability report indicating that the scheme would not be viable with the inclusion of affordable housing (either on-site or off-site) and that it would only be



able to provide a sum of £55,000 towards developer contributions. The submitted viability report indicates that the viability issues on the site arise from Conservation Area design enhancements, additional foundation costs due to the presence of trees, landscaping, service diversions, sewer works and the demolition/conversion of the existing school. As the site is made up by a number of different land owners this also has implications in terms of the viability of the site.

The submitted information has been independently assessed by the District Valuer (DV) and they originally considered that the scheme would be viable with a reduction in section 106 contributions to £96,338 (i.e. £41,338 more than what was being offered by the applicants). However, before concluding the viability report the DV required confirmation on the design enhancements, foundation costs, verification of the land cost and any off-site commuted sum towards affordable housing.

The applicant's agent was informed of the additional information that was required and responded with a more detailed breakdown of Conservation Area costs, detailed scheme of foundation design and other information requested by the DV. At this point the Council's Conservation Officer also specified that the use of concrete roof tiles would be unacceptable and that they should be upgraded to plain clay roof tiles (which would clearly result in additional costs). Again the DV has looked at the revised information and considers that: these costs are fair and reasonable to include. I believe therefore that the development would not be viable if Cameron Homes had to increase the £55,000 offered in respect of Affordable Housing and s.106 costs.

As the DV is satisfied regarding the viability assessment that has been submitted on the site the Local Planning Authority accepts these arguments. However, it is still considered necessary to consider whether a scheme offering £55,000 (10.7% of the overall amount requested) would represent sustainable development. Paragraph 7 of the NPPF provides support for the social role of planning. It states the following: a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being.

The applicant's agent originally proposed that the £55,000 contribution be spent wholly towards education. This would equate to an education contribution of 43% towards the overall amount requested by the education authority and would result in no contribution towards affordable housing, civic amenity, libraries, healthcare, National Forest Planting and sustainability measures requested by the County Highway Authority. Another option, which the applicant has no objection to, would be to divide the contribution up on a pro rata basis and this would result (approximately) in the following:

National Forest Company	£495
NHS	£495
Education	£13,695
Civic Amenity	£181
Library	£181
County Highway Authority	£1,392
Affordable Housing	£38,500

In this instance, if members are minded to grant planning permission, it is considered that the pro rata approach (indicated above) should be agreed to ensure that at least some contribution

is provided to each of the relevant requests. However, whichever approach is taken (i.e. all spent on education or divided up between the relevant requests) it is clear that this development would not be able to provide for the amount of relevant social infrastructure that would be required for a development of this size. Letters of objection have been received from surrounding neighbours and Ravenstone Parish Council regarding this matter and it is, therefore, considered to be of some importance in the locality. Therefore, in terms of the social strands of sustainable development the scheme is considered to score poorly and this would weigh against the scheme. However, this would need to be considered in the balance alongside the positive aspects of the development (see conclusion below).

The required Section 106 Agreement could, however, require periodic reviews of the economic viability of the scheme to be undertaken during the course of the development with a view to increasing the required developer contributions in the event of the profitability of the scheme improving.

To conclude, it is recommended that the contribution of £55,000 be divided on a pro rata basis as stated above.

### **Other**

The application was originally accompanied by a Statement of Community Involvement that set out that the application had been discussed by Councillor Smith with Ravenstone Parish Council along with other information regarding community involvement in the scheme. A number of objections have been received from surrounding members of the public and the Parish Council stating that this document contains inaccurate and misleading information. A separate letter has been received from the Chairman of the Parish Council detailing the concerns regarding the statement. The Chairman of the Parish Council requested that this document was removed from the application and taken off the website. The applicant's agent has been contacted regarding the concerns of the validity of the statement made within the document and a revised Statement of Community Involvement has been submitted. Whilst it is regrettable that the original document contained inaccuracies it is not considered that this would invalidate the application. The Local Planning Authority has re-consulted on the amended document and carried out substantial consultation with surrounding neighbours including direct neighbour notifications as well as a site and press notice.

Concern has been expressed from the Parish Council and neighbouring residents that the original ownership certificates that were submitted on the site were incorrect. It became apparent that the land under the public footpath is currently unregistered. In response to this the applicants have submitted amended certificates and publicised this in the Leicester Mercury. The Local Planning Authority has carried out further consultation with neighbours in relation to the amended certificates. The Council's Legal Team has been consulted on this issue as to whether the original inaccuracy in the certificates renders the application as invalid. The response from the Council's Legal Team is that the application should not be considered invalid as the affected parties clearly know about the application and have had every opportunity to make whatever comments they like on the merits of the application. It should also be noted that the footpath is to be retained along its existing line and would be unaffected with the exception of improved surfacing. With regards to other ownership matters, a member of the Ravenstone Hospital Almshouse Charity was notified rather than the clerk to this organisation. As the member was still a trustee of the charity at that time then it is not considered that further notifications would be required.

An additional house type drawing for Plots 3 and 14 has been provided during the course of the

application to rectify errors in the original submission.

The Local Planning Authority is unaware that anybody in Ravenstone is seeking to devise a neighbourhood plan. Taking this into account, it would be unreasonable not to determine the application.

Local Plan Policies E10, E11, E13 and E16 are not saved policies and do not carry any weight in the determination of this planning application. Policy E17 relates to Historic Byways but the County Footpath Officer confirms that footpath O42 and O46 have never been recorded as Byways Open to all traffic. Piper Lane which abuts the extreme eastern boundary of the application site is recorded on the Definitive Map as a Byway Open to all Traffic, reference O45, but would not be affected by the proposed development.

In terms of drainage and flooding, Severn Trent Water and the Environment Agency have no objections to the development subject to the imposition of conditions and, therefore, the development of the site is considered acceptable in this regard.

Representations have been received alleging that Councillor Smith would benefit financially from this development, and that he has violated the code of conduct. These are not, however, matters that are relevant to the determination of this application as they do not raise material planning considerations.

The impact of the proposal on property prices is not a material planning consideration.

### **Conclusion**

The site lies within Limits to Development and is partly greenfield and partly brownfield land. In terms of the suitability of the site's location for housing development, the proposed location would not conflict with the provisions of Local Plan Policy S2 and it is considered that this part of Ravenstone is a sustainable location for new dwellinghouses. Taking this into account it is considered that the principle of residential development on the site is acceptable.

The proposed development would be acceptable in terms of the residential amenities of existing and future occupiers, and would provide for an appropriate form of design that would be in keeping with the locality and would have an acceptable relationship with the Conservation Area. The proposal would be acceptable in relation to highway safety, subject to appropriate planning conditions. The scheme would not result in significant impacts upon protected species and there would be no significant flood risk issues. Although a number of trees would be removed from the site, including eleven Lombardy Poplars, the proposed tree planting would mitigate the loss of these trees and secure long-term landscape effect within the village Conservation Area in keeping with the proposed layout.

A viability appraisal has been submitted by the applicants to demonstrate that the scheme would not be viable with affordable housing requirements and with the full range of other developer contributions. The reasons for this are given in the viability appraisal and include Conservation Area design enhancements, additional foundation costs due to the presence of trees, landscaping, service diversions, sewer works and demolition/conversion of existing school. This has been independently assessed by the District Valuer and they confirm that a reduced level of developer contributions would be acceptable in this instance.

Overall, the scheme would have a good design and would use a good standard of materials given that the site is located within the Conservation Area and would also provide much needed

housing to address the Council's lack of a 5 year supply of housing. These issues count in favour of the scheme. However, the use of such materials has contributed to a viability issue on the site whereby the scheme is unable to make full developer contributions towards social infrastructure (including education, health, affordable housing etc). This issue counts against the scheme and raises issues as to whether the scheme can be considered to be sustainable development. However, on balance, it is considered that the positive benefits arising from the proposed development outweigh the negative issues and as such it is considered that the scheme would be acceptable.

It is therefore recommended that full planning permission be granted subject to conditions and relevant developer contributions.

**RECOMMENDATION - PERMIT, subject to the following conditions and the completion of a Section 106 legal agreement;**

- 1 The development shall be begun before the expiration of three years from the date of this permission.

*Reason - to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).*

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:

Drawing No. RAV/103B deposited with the Local Planning Authority on 4 December 2013;

Drawing No. RAV/102B deposited with the Local Planning Authority on 4 December 2013;

Drawing No. RAV/118/1 deposited with the Local Planning Authority on 4 December 2013;

Drawing No. RAV/117/1 deposited with the Local Planning Authority on 4 December 2013;

Drawing No. RAV/101G (Site Layout) deposited with the Local Planning Authority on 12 November 2013;

Drawing No. 3a deposited with the Local Planning Authority on 12 November 2013;

Drawing No. 4b deposited with the Local Planning Authority on 12 November 2013;

Drawing No. 5b1 deposited with the Local Planning Authority on 12 November 2013;

Drawing No. 6b2 deposited with the Local Planning Authority on 12 November 2013;

Drawing No. 7d1 deposited with the Local Planning Authority on 12 November 2013;

Drawing No. 7d2 deposited with the Local Planning Authority on 12 November 2013;

Drawing No. 1 deposited with the Local Planning Authority on 12 November 2013;

Drawing No. 2 deposited with the Local Planning Authority on 12 November 2013;

Drawing No. 8 deposited with the Local Planning Authority on 12 November 2013;

Drawing No. RAV/100A (Site Location Plan) deposited with the Local Planning Authority on 18 September 2013;

Drawing No. RAV/126 deposited with the Local Planning Authority on 23 September 2013;

Drawing No. RAV/124/2A deposited with the Local Planning Authority on 23 September 2013;

Drawing No. RAV/124/1A deposited with the Local Planning Authority on 23 September 2013;

Drawing No. RAV/104 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/104 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/105 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/106 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/107/1 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/107/2 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/108 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/109/1 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/109/2 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/110 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/111 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/112 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/113 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/114/1 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/114/2 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/115 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/116 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/117 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/118 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/119 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/120 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/121 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/122 deposited with the Local Planning Authority on 7 August 2013;  
Drawing No. RAV/123 deposited with the Local Planning Authority on 7 August 2013.

*Reason - to determine the scope of this permission.*

- 3 No development shall commence on site until provision has been made for the satisfactory disposal of foul and surface water from the site in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

*Reason - to that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem.*

- 4 Before first occupation of any dwelling hereby permitted, the access shall be provided in accordance with the details shown on drawing No. SK01. The access drive once provided shall be so maintained at all times.

*Reason - to enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety, to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway, to afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network, and in the interests of general highway safety.*

- 5 The gradient(s) of the access drive(s) shall not exceed 1:12 for the first 5 metres behind the Highway boundary.

*Reason - to enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.*

- 6 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

*Reason - to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.*

- 7 Before the first occupation of any dwelling hereby approved, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times.

*Reason - to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)*

- 8 Notwithstanding the submitted details, no development shall commence on site until such time as details of amended parking facilities within the site have been submitted to and agreed in writing by the Local Planning Authority. Before the first occupation of any dwelling hereby approved, its approved parking shall be provided and shall thereafter not be obstructed and shall permanently remain available for car parking.

*Reason - to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.*

- 9 No development shall commence on the site until such time as a construction traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

*Reason - to reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.*

- 10 Notwithstanding the submitted details, no development shall commence on site until such time as precise details of waiting restrictions complete with associated road markings and signage has been submitted to and agreed in writing by the Local Planning Authority. No more than 20 dwellings shall be occupied until such time as the agreed scheme has been implemented in full.

*Reason - to ensure a satisfactory form of access and in the interests of road safety.*

- 11 Notwithstanding the submitted details, no development shall commence on site until such time as a scheme showing the reinstatement of the existing vehicular crossings and the footway together with the existing road markings has been submitted to and agreed in writing with the Local Planning Authority. No more than 20 dwellings shall be occupied until such time as the agreed scheme has been implemented in full.

*Reason - in the interests of general highway safety, particularly pedestrian safety.*

12 There shall be no vehicular access between the site and Piper Lane.

*Reason - to ensure that there will be no increase in use of a byway open to all traffic.*

13 Notwithstanding the submitted details, no development shall commence on site until such time as a scheme showing the relocation of the existing bus stop has been submitted to and agreed in writing with the Local Planning Authority. No more than 20 dwellings shall be occupied until such time as the agreed scheme has been implemented in full.

*Reason - the bus stop shall be re-sited in order to afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network.*

14 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until details/samples (as appropriate) of the:-

- i. sample panel of the bricks, brick bond, and mortar
- ii. stone and render
- iii. roofing materials
- iv. rain water goods
- v. windows and doors (including heads and cills)
- vi. porches and door surrounds
- vii. chimneys
- viii. eaves and verges

have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the works shall be executed in accordance with that agreement.

*Reason - to ensure that the works are executed in an appropriate manner and to ensure a satisfactory standard of design.*

15 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until such time as precise details of the treatment of all hard surfaces (including all access roads, footways, drives and parking / manoeuvring areas) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

*Reason - to ensure the development provides for a satisfactory form of design, in the interest of amenity.*

16 The approved landscaping scheme (as shown on Drawing No. 7d1 and 7d2) shall be implemented in the first planting and seeding season following either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority.

*Reason - to ensure satisfactory landscaping is provided within a reasonable period.*

17 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the

Local Planning Authority.

*Reason - to provide a reasonable period for the replacement of any trees.*

- 18 Notwithstanding the submitted details, no development shall commence on site until such time as a tree protection plan (including foundation designs) has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details.

*Reason - to ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.*

- 19 Notwithstanding the submitted details, no development shall commence on site until such time as an ecological/landscape management plan (including for trees and hedges), including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), together with a timetable for its implementation has been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the landscape management plan, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority.

*Reason - to ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy and to provide for an appropriate form of development.*

- 20 The development hereby permitted shall be carried out in accordance with the levels shown on drawing nos. RAV/101G (Site Layout Plan) (when read in conjunction with the existing levels shown on drawing no's. 12-489-1A).

*Reason - to ensure the development takes the form envisaged by the Local Planning Authority, in the interest of amenity.*

- 21 Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), none of the dwellings hereby approved shall be enlarged, improved or altered, nor shall any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses be provided unless planning permission has first been granted by the Local Planning Authority.

*Reason - to enable the Local Planning Authority to retain control over future development in view of the form and density of the development proposed.*

- 22 The window units serving the following:

- (a) first floor side elevations (of bedroom 3 and bedroom 4) of Plot 1;
- (b) first floor side elevation (of bathroom and en-suite) of Plot 3;
- (c) first floor side elevation (of en-suite) of Plot 7;
- (d) first floor side elevation (of en-suite) of Plot 27.

shall be glazed with obscure glass to Pilkington Standard 3 (or equivalent) which shall thereafter be retained unless planning permission has first been granted by the Local



Planning Authority.

*Reason - to avoid the possibility of overlooking of the adjacent development.*

23 No development shall commence on the site until such time as a programme of archaeological work, commencing with an initial phase of geophysical survey and trial trenching, has been detailed within a Written Scheme of Investigation first submitted to and agreed in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions, and:

- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
- The programme for post-investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation; and
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

No development shall take place at any time other than in accordance with the agreed Written Scheme of Investigation. None of the dwellings shall be occupied until such time as the site investigation and post investigation assessment has been completed in accordance with the programme set out in the agreed Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

*Reason - to ensure satisfactory archaeological investigation and recording, and to comply with the NPPF.*

24 Unless first agreed in writing by the Local Planning Authority, no site clearance operations that involve the destruction or removal of vegetation on the site shall be undertaken during the months of March to August (inclusive).

*Reason - to ensure that breeding birds are not adversely affected, in the interests of nature conservation.*

25 No development (except any demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- BS10175 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS 8576 Year 2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
- BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

- Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

*Reason - to ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.*

26 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

*Reason - to ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.*

- 27 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage scheme should demonstrate the surface water run-off generated up to and including the 100 year (plus an allowance for climate change) critical rain storm will not exceed the run-off from the re-developed site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall include:

- Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
- Limiting the discharge rate and storing the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
- Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
- A copy of the written confirmation of the allowable surface water discharge rate to STW's public sewerage system.

*Reason - to prevent the increased risk of flooding, both on and off site.*

### Notes to applicant

- 1 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.
- 2 The County Footpath Officer provides the following notes:

Before any works associated with the surfacing of footpaths O42 and O46 are carried out, the County Council's approval should be obtained to the specification for this purpose. The applicant Company should contact the Rights of Way Inspector for the area, Mr. S. Daniels, who is based at the Northern Area Highways Office, Mountsorrel (Telephone No. 0116 305 0001). The Company will otherwise be responsible for ensuring that the legal lines of the footpaths are not affected by any operations associated with the development, and that free access can be exercised safely by pedestrians at all times. Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction works, and wherever appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the footpaths, particular attention should

be given to ensuring that no materials are stored on the lines of the rights of way and that no Contractors' vehicles are parked either along or across them.

Any damage that may be caused to the surface of the footpaths while the development is being carried out will be the responsibility of the applicant Company to repair at its own expense, to the satisfaction of the Highway Authority.

The applicant Company should also be advised that no additional structures either of a temporary or a permanent nature should be placed across the routes of footpaths O42 and O46 without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to require its immediate removal.

If the applicant Company considers that it will be unable to assure the safety of users of footpaths O42 and O46 while construction works associated with the proposed development are being undertaken, application would need to be made to the County Council for an Order suspending public rights for the duration of those works. An Application Form for the making of an Order in respect of the temporary diversion or stopping up of a public right of way, together with further details in relation to the process involved, may be obtained by e-mailing [roadclosures@leics.gov.uk](mailto:roadclosures@leics.gov.uk).

3 Your intention is drawn to the attached notes to applicant provided by the County Highway Authority.

4 During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

5 Details of the retention, protection and management of the northern hedgerow should be included when discharging condition 19.

6 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) ) Order 2010 (as amended).

7 A section 106 agreement would be required in order to make the development acceptable and would need to include the following:

- Financial contribution of 55k towards education or split between all the various developer contribution requests
- Review of the viability of the scheme within a certain period (i.e 2 years)
- Section 106 monitoring