
Residential development of up to 50 dwellings, with new vehicular access, landscaping, public open space, balancing pond, national forest planting and creation of new allotments. (Outline - all matters other than part access reserved)

Report Item No
A2

Land Off Heather Lane Ravenstone Coalville

Application Reference
13/00780/OUTM

Applicant:
Leicestershire County Council

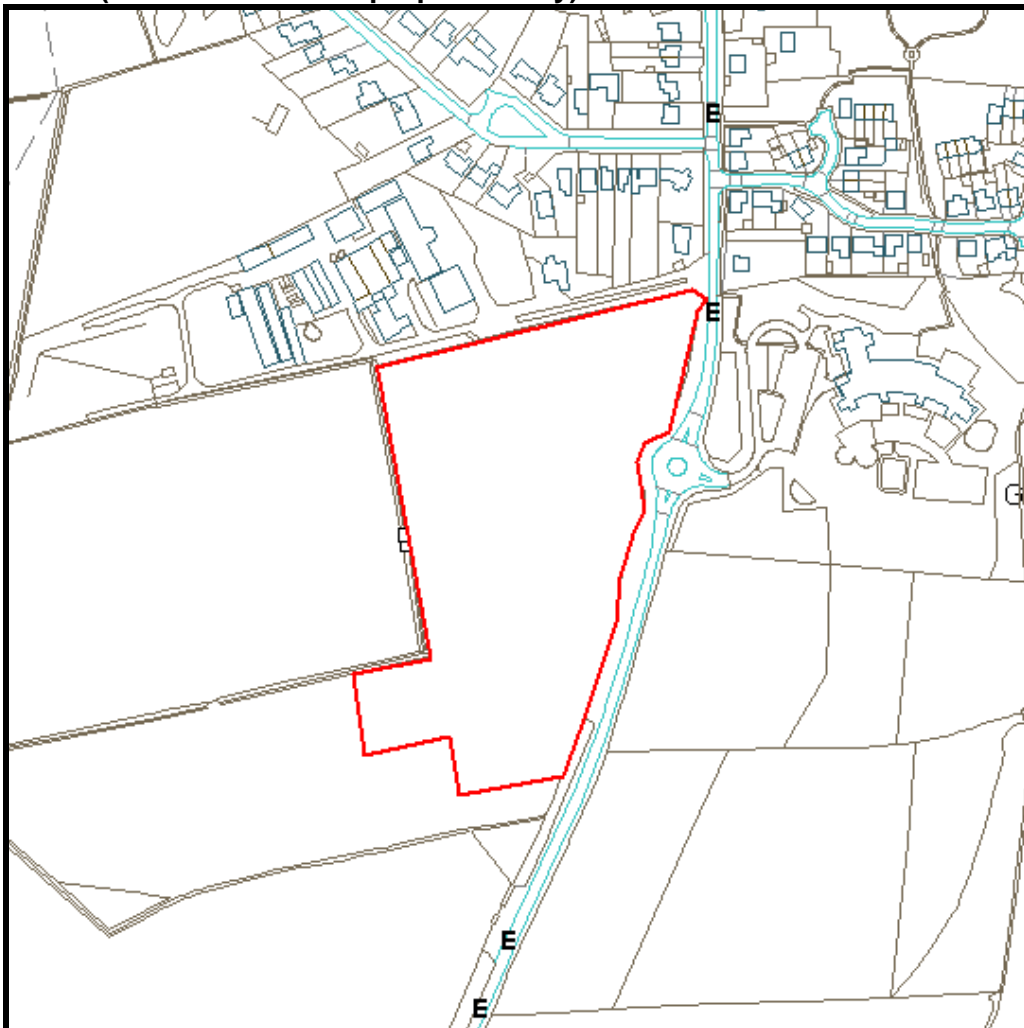
Date Registered
30 September 2013

Case Officer:
James Mattley

Target Decision Date
30 December 2013

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location (Plan for indicative purposes only)



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

Executive Summary of Proposals and Reasons for Approval

Proposal

This application seeks outline planning permission for residential development of up to 50 dwellings. Part access arrangements are included for consideration at this stage but all other matters are reserved.

Consultations

Members will see from the main report below that some objections have been received from surrounding neighbours. However, there are no objections raised from any statutory consultees.

Planning Policy

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. 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 report below indicates that, whilst the site is a greenfield site outside Limits to Development, having regard to the site's general suitability for housing and the opportunity to contribute towards the identified shortfall of housing across the district, release of the site for residential development would be appropriate in principle. The proposed development is considered acceptable in terms of access issues; there are no other technical issues that would indicate that planning permission should not be granted, and appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities.

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 is an outline planning application for residential development of up to 50 dwellings on a site of approximately 3.54 hectares to the west of Heather Lane, Ravenstone. The site slopes generally from east to west from Heather Lane and is currently in agricultural use. Whilst all matters other than part access are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings, together with a children's play area, areas of landscaping, national forest planting and allotments. The site is located outside of the settlement boundary as defined by the Local Plan.

Vehicular access is proposed onto the existing roundabout on Heather Lane. To the north of the application site is Beesley's Garden Centre with residential development located further beyond. Immediately to the west and south of the application site is further agricultural land and to the east is Heather Lane with Woodstone Community Primary School located further to the east. A public footpath (051), located outside of the application site and to the west, runs in a north south direction.

2. Publicity

20 No neighbours have been notified. (Date of last notification 7 October 2013)

Site Notice posted 11 October 2013

Press Notice published 16 October 2013

3. Consultations

Ravenstone With Snibston Parish Council consulted 7 October 2013

Head of Environmental Protection consulted 21 October 2013

DEFRA consulted 6 November 2013

County Highway Authority consulted

Environment Agency consulted 8 October 2013

Severn Trent Water Limited consulted 8 October 2013

Head of Environmental Protection consulted 8 October 2013

Natural England consulted 8 October 2013

NWLDC Tree Officer consulted 8 October 2013

LCC ecology consulted 8 October 2013

County Archaeologist consulted 8 October 2013

NWLDC Urban Designer consulted 8 October 2013

LCC Development Contributions consulted 8 October 2013

NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 8 October 2013

Development Plans consulted 8 October 2013

Head Of Leisure And Culture consulted 8 October 2013

Manager Of Housing North West Leicestershire District Council consulted 8 October 2013

Police Architectural Liaison Officer consulted 8 October 2013

LCC/Footpaths consulted 8 October 2013

Highways Agency- Article 15 development consulted 8 October 2013

Coal Authority consulted 8 October 2013

National Forest Company consulted 8 October 2013

4. Summary of Representations Received

Coal Authority has no objection to the proposed development.

Highways Agency offers no objection to the proposals.

Leicestershire County Council Archaeologist raises no objection subject to the imposition of relevant conditions.

Leicestershire County Council Ecologist considers that the ecology report is satisfactory and has no objections to this development.

Leicestershire County Council Highway Authority raises no objections subject to the inclusion of relevant planning conditions and obligations.

Leicestershire County Council Highway Transportation & Waste Management Authority requests a developer contribution of £3,554 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 £2,720.

Leicestershire County Council Local Education Authority requests a contribution of £236,963.92.

Leicestershire Police requests a contribution of £19,746.

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

National Forest Company raises no objection to the proposed application subject to the inclusion of relevant planning conditions and obligations.

NHS England requests a financial contribution of £7,912.32 to address capacity issues at the GP surgery in Coalville.

North West Leicestershire Environmental Protection Section has no environmental observations.

Severn Trent Water raises no objection subject to the inclusion of relevant drainage conditions.

A total of 13 number of representations have been received objecting to the application on the following grounds:

- _ Possibility that the surrounding land would also be developed;
- _ Would set a precedent for further development within the countryside;
- _ There is a disproportionate amount of development in Ravenstone at present and the proposed scale would be unacceptable;
- _ The surrounding roads cannot cope with additional traffic from existing or proposed development;
- _ The access arrangements would conflict with school traffic;
- _ Heather lane is not gritted in the winter;

- _ The application site is good arable land and this would be lost;
- _ Woodstone School along with other local schools is already at full capacity;
- _ Expansion of Woodstone School would result in the loss of trees;
- _ Ravenstone has inadequate infrastructure and local facilities to accommodate this development;
- _ The housing scheme would have no character of identity;
- _ The proposal does not have a rural feel;
- _ There would be noise and disturbance during construction;
- _ Leicestershire County Council would not spend the proceeds from this development in the local area;
- _ Ravenstone is at the heart of the National Forest;
- _ No objection to the use of brownfield sites;
- _ Coalville Town Centre should be improved before allowing more housing;
- _ No development plan exists in the area;
- _ Proposal would impact on the landscape entering and leaving the village;
- _ Destruction of flora and fauna;
- _ No consideration towards education, health, leisure or commercial facilities;
- _ Settlement boundaries would be further compromised;
- _ District villages should not expand by more than 23/25% by 2031;
- _ Consideration needs to be given to the privacy of occupiers on Creswell Drive;
- _ Not in keeping with the character of Ravenstone as a historic village;
- _ Increased noise and traffic for existing residents;
- _ Concerns regarding archaeology;
- _ A field study into archaeology should be carried out;
- _ Nobody supported the development at the public consultation event;
- _ Considers that statements made in the supporting documentation contain 'spin';
- _ Proposal would cause pollution;
- _ Local people should be able to select sites for new housing;
- _ Do not consider that the scheme represents sustainable development;
- _ Development would impact upon ecology.

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."

"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."

"101 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding."

[Further advice on flooding is contained within the DCLG's Technical Guidance to the National Planning Policy Framework.]

"112 Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

"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."

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

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 E6 seeks to prevent development where it would prejudice the comprehensive development and proper planning of a larger area of land of which the site concerned forms part.

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

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 outside Limits to Development. Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; the development proposed would not meet the criteria for development in the countryside, and approval would therefore be contrary to the provisions of Policy S3.

Notwithstanding the countryside location, and whilst the proposals would be contrary to the

adopted Development Plan, in determining the application, regard must be had to other material considerations, including other policies, such as other Development Plan policies and National policies.

In terms of the North West Leicestershire Local Plan, Policy H4/1 identifies that, in releasing appropriate land for housing, the Council will have regard to:

- up-to-date housing land availability figures;
 - the latest urban capacity information;
 - the need to maintain an appropriate supply of available housing land;
 - lead times before houses will be expected to be completed and build rates thereafter;
- and
- other material considerations.

Whether or not this site would be considered "appropriate" is a matter of judgement; having regard to its location outside Limits to Development, it could be argued that it would not be. This policy nevertheless sets out criteria relevant to release of land. Insofar as the site's location is concerned, and whilst it is outside Limits to Development, it is well related to the existing built up area of the settlement.

In terms of the site's 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 as set out below, 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 (considered in more detail under Housing Land Supply below).

Housing Land Supply and Limits to Development

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.

The consequences of an inability to demonstrate a five year supply are profound. Paragraph 49 of the NPPF advises 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". Policy S3 of the adopted Local Plan (Limits to Development) is not considered to be a relevant policy for the supply of housing (see the recent judgment in respect of the application to quash the Secretary of State's decision to dismiss the Stephenson Green appeal), notwithstanding that a contrary view has been taken elsewhere (and including by the Secretary of State on appeal), and accordingly the policy should not be considered to be out of date. Nevertheless, as the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements up until the end of the Plan Period (i.e. to 2006) less weight should be attributed to any conflict with Policy S3 in the overall planning balance.

In addition, the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to the economic growth associated with the proposed development, coupled with the role played in contributing to housing land supply and the inclusion of appropriate contributions to local services as detailed below, would ensure that the scheme would sit well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, whilst the proposed development would result in the development of land outside of the defined Limits to Development, as set out in more detail below, the proposed development would not result in any unacceptable impacts on the natural, built or historic environment. The sustainability credentials of the site are set out in more detail below.

Sustainability

As set out above, the application site is an unallocated site, located outside the limits to development in the adopted Local Plan. 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 - 750 metres
Primary School - 300 metres
Post Office - 550 metres
Open Space - 650 metres
Village Hall - 650 metres
Public House - 500 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.

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 50 dwellings would represent a 9% increase in the existing number of dwellings. There are 945 properties in the Parish of Ravenstone; an additional 50 dwellings would represent a 5% 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 27 dwellings (Church Lane) and for up to 65 dwellings (off Ibstock Road), 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 (27 dwellings at Church Lane and 65 dwellings at Ibstock Road) 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.

Loss of Agricultural Land

Also of relevance to the principle of releasing the site is the issue of loss of agricultural land. The site is currently in active agricultural use and, insofar as the proposed built development is concerned, this would result in an irreversible loss to non-agricultural use.

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Having regard to the five year housing land supply issue as set out above, it would seem inevitable that land outside Limits to Development (much of which will be agricultural in terms of use) will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The application site falls within Grade 3 of the ALC but it has not been established whether the land is Grade 3a or Grade 3b and, therefore, whether any BMV would be affected.

However, even if the site does fall within the 3A classification, it is commonly accepted that the

magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost (with medium and high impacts defined as those resulting in loss of between 20 and 50ha, and those of 50ha and above respectively). It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process. Also relevant is the extent to which change of use of the BMV land is irreversible. Whilst the submitted masterplan is illustrative only, it is noted that it indicates that a proportion of the site would be given over to National Forest planting and public open space which, it is considered, would not necessarily preclude its future re-establishment in active agricultural use if circumstances so dictated.

Nevertheless, in terms of agricultural land quality, if the development does impact upon BMV it is not considered that the proposed development sits particularly comfortably with the requirements of the NPPF and, in particular, the aims of Paragraph 112. However, this would need to be weighed against other material considerations and, whilst there would be adverse impacts in this regard, these concerns would not be so significant as to outweigh the considerations in favour of the scheme. When considered in the context of the five year housing land supply issue, and the benefits of releasing the site to assist in maintaining such supply, it is considered that the agricultural land quality issue is not sufficient to suggest that planning permission should be refused, particularly given the relatively limited extent of the loss (i.e. 3.54ha). DEFRA has been consulted on this issue, but no response has been received.

Conclusions in respect of the Principle of Development and Planning Policy

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The site is outside Limits to Development in the adopted Local Plan and its development for housing would therefore be contrary to Local Plan Policy S3, a policy designed to protect the countryside for its own sake.

However, the site's general suitability for housing (including its proximity to both Ravenstone and Coalville) is also material, together with the need for the District to release significant areas of land for housing to ensure the provision and maintenance of a five year supply of land and to accord with the Government's intention to stimulate growth through a presumption in favour of sustainable development (as set out in the NPPF). An important consideration is that the Council must demonstrate and maintain a five year supply of housing land (with a 20% buffer) as required by the NPPF, which is considered to be a material consideration of some significance.

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

Highway Safety

All matters are reserved for subsequent approval except for access. Whilst the illustrative layout shows internal access roads and pedestrian links through the site, these would be a matter for the reserved matters stage(s) (although their impact on the overall potential accessibility and connectivity of the site still ought to be considered). The development is proposed to be accessed from Heather Lane via the provision of a fourth arm on the existing Heather Lane roundabout. The development access would have a carriageway width of 5.5 metres with 2 metre wide footways either side. The traffic speed on this stretch of road is

30mph. The latest scheme includes for improved road markings and new footways to enable easier and safer crossing arrangements to access the school.

The applicants were asked to assess the cumulative highway impacts should this application and the application at Ibstock Road (13/00626/OUTM) both be approved. The assessment concludes that there would be a small increase in queuing on the A447/Leicester Road junction and that a contribution towards an updated MOVA controller would be suitable mitigation. The County Highway Authority accept the conclusions in the assessment and raise no objections to the application on the basis of cumulative highway impacts. The contribution towards an updated MOVA controller would be secured through the Section 106 agreement.

In view of the above, the County Highway Authority raises no objections to the proposals on highway safety grounds subject to conditions, and subject to the contributions set out under Developer Contributions below, which would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use. It is noted that, amongst others, the County Highway Authority recommends the imposition of a condition relating to construction traffic routing. However, advice in Circular 11/95 appears to indicate that a condition should not be used to secure the routing element of this, hence it is recommended that this be included in the Section 106 agreement, along with other proposed obligations (relating to developer contributions) as set out in more detail later in this report.

The proposed development is therefore considered acceptable in terms of highway safety and would comply with Local Plan Policy T3 and T8 and the advice contained in the Highway Authority's 6Cs developer guidance document.

Neighbours' and Future Occupiers' Amenities

As set out above, the site is proposed to be accessed via Heather Lane. This area of Heather Lane is not heavily populated with residential dwellings and, therefore, it is not considered that the increased traffic using local roads generally as a result of the proposed development would lead to unacceptable impacts on residents' amenities. In coming to this conclusion it is noted that the Council's Environmental Protection Team raise no objections to the proposed development in terms of noise or pollution.

In terms of the impacts on neighbouring occupiers arising from the proposed buildings themselves are concerned, this would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 50 units could not be provided on the site in a manner which would not adversely impact upon neighbours' amenities.

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.

Design

The proposed scheme has been assessed by the District Council's Urban Designer, and rated in accordance with CABI's new Building for Life criteria which scores on the basis of red/amber/green rather than a points based scoring system. The Council's Urban Designer has reviewed the proposals and originally sought for clarification on the assumptions that had been made with regard to parking provision. A response has been received from the applicant's agent regarding this matter and provides comfort to the Local Planning Authority that a suitably designed scheme would come forward at the reserved matters stage.

At the reserved matters stage the Local Planning Authority would expect the scheme to score positively against the Building for Life assessment. The Council's Urban Designer recommends a note to applicant to highlight that there would be an expectation from the Local Planning Authority that the scheme draws inspiration from the positive and distinctive characteristics of the village through layout, form and appearance (including materials). Consideration must also be afforded to softening the southern boundary, perhaps through the use of 1.5 storey dwellings to avoid such an abrupt end to built form within the village.

Therefore, whilst the scheme is not sufficiently advanced to be assessed fully against Building for Life, it is considered that it has been demonstrated that, in principle, an appropriate scheme could be secured at the reserved matters stage(s), and would comply with the relevant Development Plan policies and advice in the NPPF.

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 former advice in PPS3 provided that net dwelling density includes those site areas which will be developed for housing and directly associated uses, including access roads within the site, private garden space, car parking areas, incidental open space and landscaping and children's play areas. Whilst this has now been superseded in the NPPF the methodology contained within it for working out net dwelling density would, in the absence of any other guidance in the NPPF or Local Plan, still be relevant.

The application site area is given as 3.54 hectares. However, when considering that significant parts of the application site would be taken up for landscaping, buffer zones, allotments, children's play area, wildlife areas etc, the net dwelling density (based on the residential area of 2.13 hectares) would be in the region of 24 dwellings per hectare. This would not be wholly compliant with Policy H6 of the Local Plan. However, when having regard to those parts of the site that would not be developed for housing or directly associated uses as indicated on the indicative Masterplan accompanying the application, along with the existing density of the surrounding area and the fact that the Council's Urban Designer raises no objection to the density and layout of the development on the site, it is considered that a reduced density in comparison to that advised in Local Plan Policy H6 is acceptable in this instance.

Landscape and Visual Impact

The application has been accompanied by information regarding landscape design and strategy in the design and access statement.

The information considers that the landscape constraints on the site are that the site is on

sloping land with potential visual exposure to the south and west and that existing boundary hedgerows are weak. The landscape opportunities include strengthening landscape planting to help screen the proposed development and provide National Forest planting to tie in with the existing planting at Miners Wood.

Although the Local Planning Authority accepts that additional landscaping would help screen the proposed development and mitigate against its visual impact, it could be perceived that the proposed development would result in development encroaching out into the open countryside as opposed to 'rounding off' of the village. It could therefore be argued to have a greater impact upon the openness and character of the countryside when compared with the two other outstanding applications in Ravenstone. Whilst this counts against the scheme it is not, however, considered sufficiently detrimental to warrant a refusal of the application when considering that the land has no formal landscape designation and when taking into account the need for further housing within the district (as outlined above).

In terms of the actual amounts of landscaping proposed, the National Forest Company comments that, based on the National Forest Company's guidance, 20% of the area would be required to be provided as woodland planting and landscaping (which would equate to 0.7ha). Whilst the details of the proposed landscaping are indicative only given the outline nature of the application, there is clearly scope for this to be achieved on site. The design and access statement indicates that 0.7ha of the site area would be used for National Forest Planting. The National Forest Company welcomes the proposed National Forest planting and other proposed habitat creation measures included in the scheme.

Overall, therefore, subject to a Section 106 agreement to secure the National Forest planting, and subject to an appropriate form of development being proposed at the reserved matters stage(s), it is considered that the landscape and visual effects of the proposed development are acceptable.

Trees

There are no trees within the application site (or in close proximity) that would be affected by the proposed development. The Council's tree officer raises some issues with the proposed planting details included on the illustrative masterplan but these could all be resolved at the reserved matters stage.

Therefore, subject to the imposition of suitably-worded notes to applicant the submitted scheme is considered acceptable in terms of Policy E7 of the Local Plan.

Ecology

The application is supported by an ecology survey. This concludes that the site is dominated by arable land surrounded by unmanaged grassland field margins bordered by hedgerows, mature trees and domestic gardens. The arable land has been identified as being of low ecological value.

The survey states that there are no known statutory or non-statutory designated sites within 1km of the application site. The habitats on the application site contain common species which are not considered to be of significant intrinsic botanical value. No adverse impact on local biodiversity is anticipated as a result of the loss of these habitats.

In terms of protected species, there is no evidence of badger activity on the site and no features

with potential to support roosting bats were identified on site. Only a small section of hedgerow would be removed on site and the scheme is not considered to have significant impacts upon foraging bats or breeding birds especially as the surrounding area provides similar habitats. The ecology report recommends that further bird nesting opportunities are created as part of the development and this could be secured through appropriately worded conditions. No Great Crested Newts have been recorded on the site and nearby ponds have now dried up which makes it unlikely that Great Crested Newts would be affected.

In response to the application, Leicestershire County Council's ecologist considers the submitted ecology report to be satisfactory and no further survey work is required. No objections are raised subject to the imposition of conditions including in respect of appropriate landscaping species being selected to optimise wildlife value. Natural England offers no objections to the proposed scheme subject to the inclusion of relevant conditions relating to landscape and biodiversity enhancements.

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 development is proposed to provide 30% of the scheme as affordable housing (i.e. 15 units, assuming the construction of the maximum 50 dwellings as proposed). In terms of unit types and tenure, the District Council's Strategic Housing Team would currently be seeking the following:

Affordable rented
4 x 1 bed homes
2 x 2 bed house
1 x 3 bed house
4 x 2 bed bungalows

Shared ownership
2 x 2 bed houses
1 x 3 bed house
1 x 2 bed bungalow

However, it is accepted that the current requirements are likely to change over time, and it is considered appropriate for the Section 106 agreement to secure a minimum of 30% (and including the tenure split suggested above) with the actual contribution in terms of unit types to

be agreed by the District Council at the reserved matters stage or through the Section 106 agreement.

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.

- o 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).
- o 6 month bus passes (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 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).
- o New/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 per stop.
- o Information display case at west bound bus stop on Leicester Road to inform new residents of the nearest bus services in the area. At £120 per display.

In order to mitigate the impacts of the development on the A447/Leicester Road signalised junction which already suffers from congestion and delays at peak times, a contribution of £6000 is required towards an updated MOVA unit with associated software and licence, validation and controller reconfiguration. This would improve traffic flow at the junction and help to reduce delays which would have been created with the additional traffic from the development.

The applicants are agreeable to making these contributions.

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 295 pupils are projected on the roll should this development proceed; a deficit of 84 places (of which 72 are existing and 12 are created by this development).

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

Hugglescote Community Primary School Deficit 230

Heather Primary School Surplus 10

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 358 places. The 12 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 12 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 £145,188.12. The applicant's are agreeable to making this contribution.

High School Requirements:

The site falls within the catchment area of Ibstock Community College. The College has a net capacity of 705 and 685 pupils are projected on roll should this development proceed; a surplus of 20 places after taking into account the 5 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 1898 pupils are projected on roll should this development proceed; a deficit of 57 pupil places (of which 52 are existing and 5 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 £91,775.80. The applicant's are agreeable to making this contribution.

Play and Public Open Space

The indicative masterplan shows that provision is proposed to be made for public open space on site including a children's equipped play area close to the site frontage (precise position would be agreed at the reserved matters stage). The Council's play area design guidance requires 20 square metres of play space per dwelling. The scheme would be in accordance with this advice when considering the size of the children's play area and other green infrastructure on the site. On this basis it is considered that a suitable sized children's equipped play area could be provided at the reserved matters stage. Therefore, the proposal is considered to be in accordance with Local Plan Policy L21 and the Play Area Design Guidance SPG.

National Forest Planting

The applicants propose making on-site planting and there is scope at the reserved matters stage to ensure that this extends to 20% of the site area (which would need to equate to a total of 0.7 hectares). The National Forest Company welcomes the proposed National Forest Planting and other proposed habitat creation included in the scheme. This would be secured by a Section 106 agreement.

Civic Amenity

A contribution of £3,554 is proposed to be made by the developer for Civic Amenity facilities in accordance with the requirements of Leicestershire County Council. The applicants are agreeable to making this contribution.

Library Services

A contribution of £2,720 is proposed to be made by the developer for library services in

accordance with the requirements of Leicestershire County Council. The applicants are agreeable to making this contribution.

Healthcare

NHS England (Leicestershire and Lincolnshire Area) requests a healthcare contribution of £7,912.32 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. The applicants are agreeable to making this contribution.

Contributions sought by Leicestershire Police

Leicestershire Police requests a developer contribution of £19,746 in respect of policing as set out in the consultation response above. This money is requested in relation to, amongst other things, start up equipment, additional radio call capacity, improving force communications, CCTV, contribution towards vehicles and extension to premises in Coalville, Enderby and Loughborough.

With regard to the acceptability of police contributions, the issue is not one of principle. The issue is, rather, whether Leicestershire Police can demonstrate that either on-site or off-site infrastructure is necessary and directly related to the impact of the development which is being granted consent, and that any contribution would in fact be used in order to pay for infrastructure which would actually be delivered. It is in this respect that officers remain to be persuaded that the requests in this case are CIL compliant.

Whilst officers acknowledge that such requests have been accepted by Inspectors and the Secretary of State as being CIL compliant in some recent appeal decisions in Leicestershire, and indeed the District (although Inspectors and the Secretary of State have also reached a contrary view on other occasions), and that consistency in decision making is desirable as a matter of policy, a decision as to whether an obligation is directly related to a particular development is one that can only be made on its individual merits.

The continuing controversy surrounding policing contributions is, however, itself undesirable as it creates uncertainty both for Leicestershire Police and developers / landowners as to whether a request for a contribution is likely to be supported in any given case. The Leicestershire Authorities have therefore agreed jointly to seek an independent legal Opinion as to the correct approach to be adopted by local planning authorities to such requests.

Pending the receipt of Counsel's Opinion, it is not possible to reach a conclusion on whether the proposed policing contribution would meet with the CIL tests at this particular time. Should Counsel advise that Leicestershire Police requests (such as this) are CIL compliant then the principle of requiring such contributions to be secured by way of S.106 planning obligations would be accepted by the Council and required to be paid, subject to any issues of viability being raised. Should the inclusion of policing contributions, when considered alongside other contributions, render a scheme unviable (or more unviable if already so), then the importance of these contributions would need to be considered alongside other material considerations (including, where applicable, relevant planning policies including those within the NPPF and other infrastructure requirements) and a view reached as to whether or not it would be appropriate to secure them by way of a planning obligation.

Insofar as the various developer contributions are concerned, the view is taken that, save where

indicated otherwise above, the proposed obligations would comply with the relevant policy and legislative tests as set out in Circular 05/2005 and the CIL Regulations.

Other Matters

With regards to an assurance that further applications are not submitted on the site, this would not be enforceable. Further planning applications on this site or land in the surrounding area would need to be dealt with on their merits under a separate planning application.

The County Council Archaeologist has no objections to the proposal subject to the imposition of relevant conditions.

Severn Trent Water has no objection to the proposal with regards to drainage subject to the inclusion of relevant conditions. No response has been received from the Environment Agency at the time of writing this report. Should a response be received then this would be reported on the update sheet.

Conclusions

As set out in the main report above, whilst the site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan, and constitutes greenfield land, its release for housing is considered suitable in principle, particularly having regard to the need to release sites in order to meet the District Council's obligations in respect of housing land supply (and the approach taken in respect of such within the NPPF). Whilst the site is located outside of Limits to Development as defined in the adopted Local Plan, having regard to its location adjacent to the existing settlement boundary and its proximity to Ravenstone and Coalville, the proposed development would, overall, be considered to constitute sustainable development as defined in the NPPF and, as such, benefit from a presumption in favour of such development as set out in that document.

The proposed development would be acceptable in terms of transportation and highway safety issues, flood risk and drainage, landscaping and visual impact, ecological impacts, residential amenity, geo-environmental conditions and design. No other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities. It is therefore recommended that outline 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 Save for the details of vehicular access into the site from Heather Lane, details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for the relevant phase (as defined under Condition 5 below) shall be submitted to and approved in writing by the Local Planning Authority before any development begins in respect of the relevant phase.

Reason - this permission is in outline only.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the access (save for the details of vehicular access into the site from Heather Lane), appearance, landscaping, layout, and scale shall be submitted in writing to the Local

Planning Authority and shall be carried out as approved.

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

- 3 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

- Site Location plan deposited with the Local Planning Authority on 30 September 2013;
- Drawing no. A092692-001 Rev B (Proposed Site Access Junction) deposited with the Local Planning Authority on 29 November 2013.

Reason - to determine the scope of this permission.

- 5 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of site layout, areas of open space / children's play, landscaping, density parameters and scale, as well as details of any proposed phasing of development. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed in writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

Reason - to ensure that the development of the site (including where undertaken in a phased manner) takes place in a consistent and comprehensive manner.

- 6 A total of no more than 50 dwellings shall be erected.

Reason - to define the scope of this permission.

- 7 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.

- 8 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.

- 9 All reserved matters applications for the erection of dwellings shall include full details of the proposed dwellings' anticipated level of achievement within the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for the relevant dwelling certifying that the relevant Code Level has been achieved

Reason - to ensure the scheme provides for a sustainable form of development.

- 10 The first reserved matters application in respect of the matter of landscaping shall provide for a 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. 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.

- 11 The first reserved matters application shall be accompanied by a further building for life assessment.

Reason - to provide evidence that demonstrates detailed compliance with Building for Life 12.

- 12 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.

- 13 Prior to first occupation of any dwelling the site access details as shown on drawing no A082692-001 revB shall be provided.

Reason - to ensure a safe and appropriate access to the site for all users of the highway.

- 14 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 highway users.

- 15 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.

Notes to applicant

- 1 The County Ecologist advises that at the reserved matters stage it is recommended that a gap is left between the woodland and the allotments in order to avoid excessive shading of the plots.
- 2 The National Forest Company expects the reserved matters submission to demonstrate a wooded character in its design, to reflect the site's position within The National Forest, through the inclusion of street trees and the incorporation of a natural play area.
- 3 The Council's Urban Designer expects the reserved matters submission to draw inspiration from the positive and distinctive characteristics of the village through layout, form and appearance (including materials). Consideration should also be afforded to softening the southern boundary, perhaps through the use of 1.5 storey dwellings to avoid such an abrupt end to built form within the village.
- 4 All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001).

If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. The SAB role is currently anticipated to commence in April 2014. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please e-mail roadoptions@leics.gov.uk if you wish to discuss further

5 Your attention is drawn to the comments received from Natural England (ref: 100420).

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

- Provision of on-site affordable housing
- National Forest Planting (on-site)
- Financial contribution in respect of healthcare
- Financial contribution in respect of education
- Financial contribution in respect of libraries
- Financial contribution in respect of civic amenity
- Potential contribution in respect of policing should Counsels opinion conclude that it is CIL compliant
- Provision / maintenance of a children's play area
- Provision of travel packs to first occupiers of the new dwellings
- Provision of bus passes to first occupiers of the new dwellings
- Improvements to the two nearest bus stops (including raised and dropped kerbs and real time information (RTI))
- Information display case at west bound bus stop on Leicester Road
- A contribution towards a MOVA unit to improve traffic flow on the A447/Leicester Road (this could be £3000 or £6000 depending on whether other applications in Ravenstone are approved)
- Section 106 monitoring

7 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).