
Residential development of up to 65 dwellings along with a new access, amenity space and associated works (Outline - All matters other than part access reserved)

**Report Item No
A3**

Land At Ibstock Road Ravenstone Coalville Leicestershire

**Application Reference
13/00626/OUTM**

Applicant:

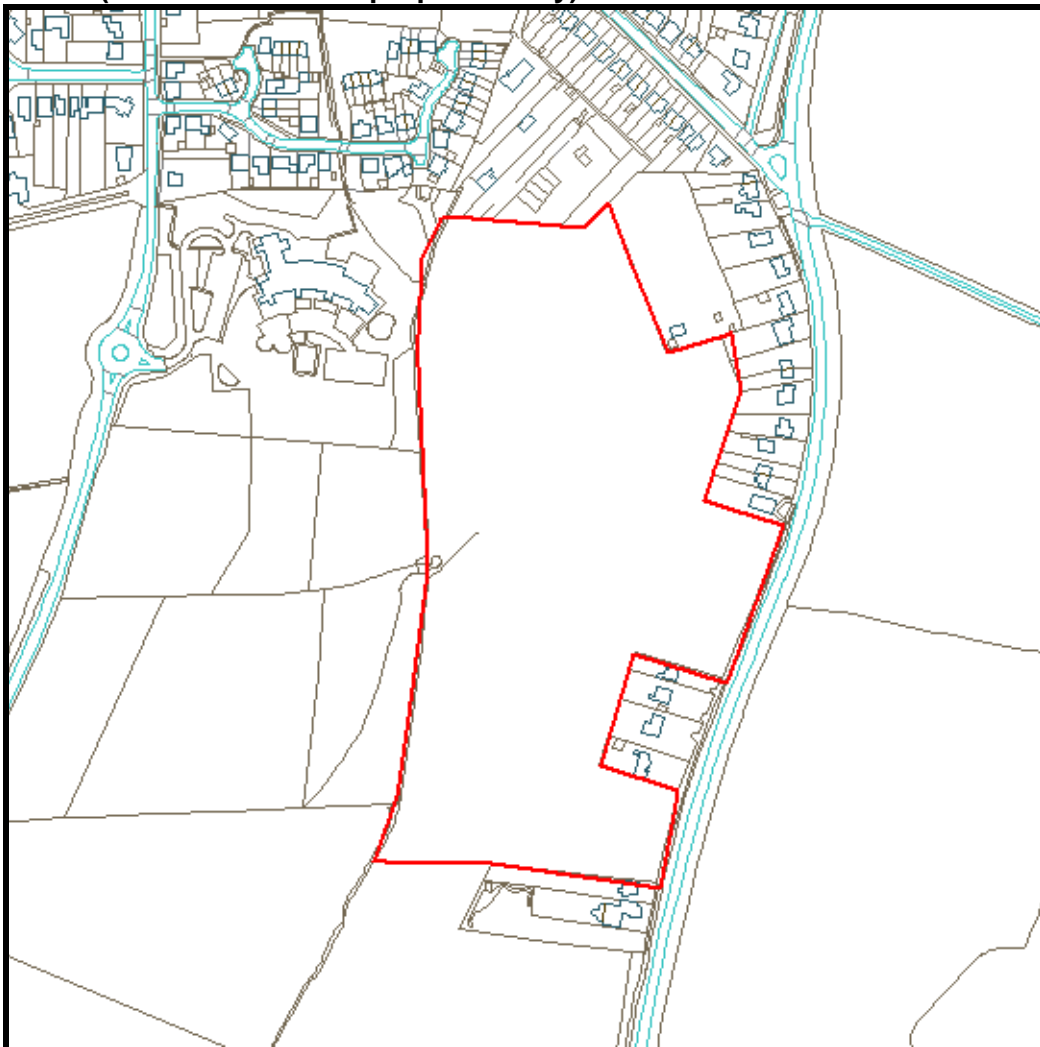
**Date Registered
14 August 2013**

**Case Officer:
James Mattley**

**Target Decision Date
13 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 outline planning permission for residential development of up to 65 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 65 dwellings on a site of approximately 7.14 hectares to the west of Ibstock Road, Ravenstone. The site is relatively flat, arable farmland with mature hedgerows and trees located along the site boundaries. 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, significant 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 Ibstock Road, at the point of an existing field gate, and would be sited around 25 metres east of 76 Ibstock Road. There are residential properties that front onto Ibstock Road and which would back onto the proposed development site although further to the eastern and western boundaries are areas of open countryside. To the north of the application site are further residential properties in Ravenstone and the Woodstone Primary School is located adjacent to the north-western boundary. A public footpath (N83) extends diagonally across the site and would link the proposed development to the Woodstone Primary School and the Millers Walk housing estate.

2. Publicity

22 no. Neighbours have been notified (Date of last notification 15 August 2013)

Site Notice displayed 21 August 2013

Press Notice published 28 August 2013

3. Consultations

Ravenstone With Snibston Parish Council consulted 15 August 2013

Head of Environmental Protection consulted 29 August 2013

DEFRA consulted 6 November 2013

County Highway Authority consulted 16 August 2013

Environment Agency consulted 16 August 2013

Severn Trent Water Limited consulted 16 August 2013

Head of Environmental Protection consulted 16 August 2013

Natural England consulted 16 August 2013

NWLDC Tree Officer consulted 16 August 2013

County Archaeologist consulted 16 August 2013

LCC ecology consulted 16 August 2013

NWLDC Urban Designer consulted 16 August 2013

LCC Development Contributions consulted 16 August 2013

NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 16 August 2013

Development Plans consulted 16 August 2013

Head Of Leisure And Culture consulted 16 August 2013

Police Architectural Liaison Officer consulted 16 August 2013

Manager Of Housing North West Leicestershire District Council consulted 16 August 2013

LCC/Footpaths consulted 16 August 2013

Highways Agency- Article 15 development consulted 16 August 2013

National Forest Company consulted 16 August 2013

4. Summary of Representations Received

Ravenstone Parish Council provides the following comments:

Ravenstone Parish Council are currently in a very difficult position. Whilst they do not have concerns about the layout and design of this proposed development, we do express great concern that it is being viewed as an independent application, and is not taking into account the other applications being passed, or in the system at the current time effecting Ravenstone.

The road networks, and infrastructure cannot cope with the influx of building and additional vehicular activity being pushed onto it.

The school is over subscribed.

Doctors, Dentists and other facilities are already stretched to the limits.

Parking in Ravenstone is a major concern, inadequate provision is being made on the developments, pushing the cars out parking onto the surrounding roads, which are getting busier and busier, with moving traffic.

The drainage is an issue in Ravenstone.

The green spaces are being swallowed up and pushing Ravenstone village closer to a Coalville and Hugglescote merger.

We do not feel that enough consideration has been made by County Highways, for the impact that these developments will have to the already congested roads.

Should the Planning committee be mindful to accept this application, we would ask that as a parish council we work directly with the developer with regards to the section 106 funding and ensure it is used for the people of Ravenstone to target the areas needed.

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

Highways Agency offers no objection to the proposals.

Hugglescote and Donington Le Heath Parish Council has responded as a neighbouring Parish Council. The Parish Council raises concerns over traffic flow particularly at Hugglescote crossroads and could result in more serious accidents occurring. Concern is also expressed regarding sewage and drainage in the area which could pose a risk to the environment and ecology.

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 concerns about the development in principle. However, a holding objection was raised until such time as amended information was submitted in relation to the great crested newt assessment.

Leicestershire County Council Local Education Authority requests a contribution of £308,053.10.

Leicestershire County Highway Authority originally commented that further speed reduction measures would be required along with the submission of a stage 1 safety audit. Following the submission of amended plans the County 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 £4,620 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 £3,940.

Leicestershire County Footpaths Officer has no objections subject to the existing footpath that runs through the site being upgraded to a minimum surfaced width of 2.0 metres along with it being extended outside of the application site.

Leicestershire Police requests a contribution of £28,683.

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

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

NHS England requests a financial contribution of £11,314.61 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.

A total of 12 number of representations have been received objecting to the application on the following grounds:

- _ Concerns regarding trespassing;
- _ How will the open space be separated from surrounding residential properties;
- _ The surface water drainage proposals could result in flooding;
- _ National Forest Planting would be located close to neighbouring residential properties;
- _ Who will be responsible for maintaining the public area from litter etc_
- _ How will the site be made secure from travellers_
- _ The proposal would generate too much traffic for the surrounding road network;
- _ There are no facilities in the surrounding area;
- _ The houses being provided would not be affordable;
- _ Requires an assurance that further housing applications are not submitted on the site;
- _ Does HS2 have an impact on the site_
- _ The local school is already at capacity;
- _ Does the police have enough resources to cover this development;

- _ No leisure or sports facilities are planned;
- _ Is there any provision for public transport_
- _ Is there provision for each house to store waste bins to the rear of the property_
- _ Traffic should be connected to Millers Walk;
- _ The highway issues should not be considered in isolation given existing and proposed residential schemes in the area;
- _ Increased levels of noise from the surrounding road network;
- _ Proposal would result in the loss of farmland;
- _ The scheme would result in the devaluation of surrounding property;
- _ No development plan exists in the area;
- _ Impacts on the privacy of existing houses;
- _ Will impact on the landscape on the approach to the village;
- _ Destruction of fauna and flora habitat;
- _ No consideration towards education, health, leisure or commercial facilities;
- _ Consider the existing bus service to be poor;
- _ A GP surgery should be provided on site;
- _ General disturbance to surrounding residents;
- _ Light and noise pollution;
- _ Ravenstone is taking a disproportionate amount of development;
- _ There are no provision for cyclists;
- _ Request a further traffic count.

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 E1 seeks to prevent development within the Sensitive Areas, which would adversely affect or diminish the present open character of such areas.

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.

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

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 - 700 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.

Sensitive Area

Two small parts of the subject site are designated within the Local Plan under Policy E1 as a Sensitive Area. Paragraph 4.7 of the Local Plan states that: *The need to protect open areas within or closely related to urban areas is widely recognised. There are many instances of important open areas within or adjoining settlements which contribute positively to the character of the settlement concerned, its streetscene or its setting or approaches. It is important that such areas are kept free from development in view of the contribution they make to local environmental quality. Sensitive areas of open land can include the following:*

- (a) *Important open breaks in street frontages;*
- (b) *Important amenity or other open areas within settlements;*

- (c) *Important settings and approaches to settlements; and*
- (d) *Ends of sporadic or ribbon development.*

This policy is supported by the advice in the NPPF which seeks to protect valued landscapes as well as its key principles to conserve and enhance the natural environment and recognising the character and beauty of the countryside. However, it must be noted, as with Policy S3 mentioned above, that any sensitive area designations were drawn having regard to housing requirements up until the end of the Plan Period (i.e. to 2006) and, therefore, less weight should be attributed to any conflict with Policy E1 in the overall planning balance.

The sensitive area located to the south (between 98 Ibstock Road and 82 Ibstock Road) would be largely unaffected as there is no built development proposed in this part of the site. The sensitive area located further to the north (between 76 Ibstock Road and the Scout Hut) would include for built development within it and has the potential to impact upon the sensitive area designation. However, the proposals include for a 20 metre soft landscaped buffer to the site frontage that would help to soften any impacts of the sensitive area.

On this basis, it is not considered that the application should be refused in relation to Policy E1 of the Local Plan or the advice in paragraph 109 of the NPPF given the status of the saved policy and the design and layout of the proposed scheme.

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 65 dwellings would represent an 11% increase in the existing number of dwellings. There are 945 properties in the Parish of Ravenstone; an additional 65 dwellings would represent a 7% 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 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 (27 dwellings at Church Lane 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.

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 2 of the ALC and would, therefore, represent BMV.

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 areas identified as BMV 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, 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. 7.14ha). 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 point of access proposed under the current application is via a new 5.5 metre wide access road off Ibstock Road along with new gateway entrance features and vehicular activated signs (VAS) in order to reduce the speed of traffic. The traffic speed on this stretch of road is 40mph.

The County Highway Authority (CHA) originally advised that a stage 1 safety audit was carried out and further speed reduction measures included as part of the proposals. This information has now been submitted and an amended plan has been received showing the amendments requested by the County Highway Authority.

In relation to this the County Highway Authority advise that their previous concerns have been addressed and consider that the access geometry (including radii, width and visibility splays) and speed reduction measures are considered acceptable. The County Highway Authority require improvements to the existing footpath (in terms of surfacing and lighting) that runs through the site to ensure the site offers attractive and direct routes to local services and facilities.

The applicants were asked to assess the cumulative highway impacts should this application and the application at Heather Lane (13/00780/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 accepts 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.

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 Ibstock Road. This area of Ibstock Road 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 65 units could not be provided on the site in a manner which would not adversely impact upon neighbours' amenities.

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 considers the scheme offers the potential to perform well against Building for Life. Given the outline nature of the application, and the scope that the Urban Designer considers there to be for building on the scores achieved thus far on the illustrative layout at the reserved matters stage(s), the Urban Designer raises no objection to the scheme. However, he advises that, in order to achieve positive scores at the reserved matters stage(s) the design principles established in the Design and Access Statement and the illustrative masterplan should be referenced within any decision notice. It is also recommended that any future reserved matters application is accompanied by a further Building for Life assessment. This could be secured through an appropriately worded note to applicant.

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 7.14 hectares. However, when considering that around 60% of the site area would be taken up by landscaping, buffer zones, allotments, children's play area, wildlife areas etc, the net dwelling density 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 a landscape and visual impact assessment.

The landscape and visual impact assessment considers the impacts of the proposed development from a total of 9 viewpoints, including points in the immediate vicinity of the application site, as well as from more distant viewpoints.

In terms of landscape the site is characterised by arable farmland with no field boundaries within the site. The site is contained by the Assage Wood to the west of the application site. The report concludes that the impacts of the development on the landscape are moderate in the short to medium term. From a long term perspective the proposed mitigation measures, which include amongst other things further hedgerow and tree planting and landscaped buffers, would result in a long term positive impact.

In terms of the anticipated impacts on public views, the effects are considered to range from moderately adverse to negligible and for all representative viewpoints are not considered significant. This is due to the proposed mitigation measures, the location of the site not being in a visually sensitive area and the well-designed nature of the development proposals.

These conclusions are considered reasonable, and it is accepted that, subject to appropriate landscaping, the visual impacts of the proposals would be reasonable and that, notwithstanding the site's location outside Limits to Development, unacceptable impacts on the amenities of the surrounding area would not be likely to arise.

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 1.42ha). Whilst the details of the proposed landscaping are limited given the outline nature of the application, there is clearly scope for this to be achieved on site given the extent of the proposed planting/public open space areas identified on the illustrative layout. 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 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

The application has been accompanied by an arboricultural survey and impact assessment which indicates the presence of trees around the site perimeter. This has been assessed by the District Council's Tree Officer, who considers that the proposed development is unlikely to cause any conflict with existing trees. The provision of a landscape buffer fronting plots 1, 63, 64, 65 is also welcomed. The Council's Tree Officer provides some guidance in terms of highway tree planting and woodland planting which would need to be addressed at the reserved matters stage(s) when landscaping is considered.

Therefore, subject to the imposition of suitably-worded notes to applicant the submitted scheme is considered acceptable in terms of the impact upon trees and in terms of Policy E7.

Ecology

The application is supported by an extended Phase 1 habitat survey. This concludes that the site is dominated by arable land bordered by hedgerows, mature trees and domestic gardens. The arable land has been identified as being of low ecological value.

The survey identifies two statutory designated sites; The River Mease Special Area of Conservation (SAC) and Snibston Grange Local Nature Reserve. No impacts are considered to arise to the SAC, which is located 4.7km away, given that the foul drainage would discharge to the Kelham Bridge pumping station which is outside of the SAC catchment area. The Local Nature Reserve is located around 0.9km east of the site and given that there is no direct linkage to this site then no significant impacts are considered to arise to this designated site. There are a number of non-statutory sites within 1km of the site boundary but the majority of these will not be adversely affected by the development due to the distance from the site and isolation by residential development and infrastructure.

In terms of protected species, some trees were identified as being suitable as bat roosting and bird nesting and all of these trees are to be retained as part of the development proposals. The ecology report also recommends that further bat roosting and 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 although records show that they have been found in a pond 0.9km to the east of the application site and suitable habitats may exist 0.34km from the southern boundary.

In response to the application, Leicestershire County Council's Ecologist considers the submitted ecology report to be mainly satisfactory but requested additional information in relation to the way the great crested newt survey has been carried out. However, the ecologist has no concerns about the development in principle as there is a substantial buffer zone shown along the wildlife corridor along the western boundary and there are opportunities for habitat creation. No objections are raised subject to the imposition of conditions including in respect of vegetation removal and appropriate landscaping species being selected. A response is still awaited in respect of the great crested newt survey and any updated information will be reported on the update sheet.

Natural England raises no objection to the proposed scheme. Therefore, subject to the imposition of suitably-worded conditions 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. 20 units, assuming the construction of the maximum 65 dwellings as proposed). In terms of unit types and tenure, the District Council's Strategic Housing Team would currently be seeking the following:

Rented

- 4 x 1 bed homes
- 4 x 2 bed house
- 2 x 3 bed house
- 4 x 2 bed bungalows

Low cost home ownership

- 2 x 2 bed house
- 2 x 2 bed bungalow
- 2 x 3 bed house

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.

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 (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).

_ 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.

_ 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.

_ Real Time Information (RTI) displays at 2 nearest bus stops; as RTI is known to increase bus patronage where it is available [source - www.dft.gov.uk/itstoolkit/case-studies.htm]. At a total of £2700 per display calculated as follows:

£300 per: ETM (Electronic Ticket Machine) upgrade cost, for nearest suitable bus service, X 8 buses (based on data for: Arriva 9A service) = £2400

£150 per: Information Point sign (non-electronic display), X 2 number of signs =£300

_ 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 will 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 299 pupils are projected on the roll should this development proceed; a deficit of 88 places (of which 72 are existing and 16 are created by this development).

There is 1 other infant school, 1 other junior school and 2 other primary schools within a two mile walking distance of the development:

Hugglescote Community Primary School Deficit 230

Ibstock Junior School Deficit 8

All Saints Church of England Primary School Coalville Deficit 54

St Denys Church of England Infant School Ibstock Deficit 45

The overall deficit including all schools within a two mile walking distance of the development is 425 places. The 16 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 16 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 £188,744.56. 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 687 pupils are projected on roll should this development proceed; a surplus of 18 places after taking into account the 7 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 1883 pupils are projected on roll should this development proceed; a deficit of 42 pupil places (of which 35 are existing and 7 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 £119,308.54. The applicant's are agreeable to making this contribution.

Play and Public Open Space

The application submission indicates that provision is proposed to be made for 3.8 ha of public open space on site, including a children's play area (LEAP). Taking into account the overall size of the recreation areas on the site, 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 1.42 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 £4,620 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 £3,940 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 £11,314.61 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 £28,683 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 recent appeal decisions in Leicestershire, and indeed the District, 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 the Leicestershire Police request in this case is 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.

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

A public footpath Q93 extend along the eastern boundary of the site. The County Council's Rights of Way Officer has no objections but suggests that a condition is included to secure improvements to the footpath (including to its width and surfacing). This would need to be addressed at the reserved matters stage (as internal access is reserved for later consideration) and, therefore, a suitable note to applicant has been recommended.

One letter of representation has been received indicating that traffic should be connected to Millers Walk. It is unclear whether this relates to pedestrian or vehicular traffic. A pedestrian link would be available between the application site and Millers Walk via the existing public footpath network. In terms of vehicular traffic, the County Highway Authority consider that the existing access arrangements off Ibstock Road are acceptable.

In terms of drainage, 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.

The proposed line of HS2 would have no bearing on the application site given that it is located approximately 2km away from the application site. It is also noted that the proposed line of HS2 is only at the consultation stage and, therefore, is subject to change.

Issues regarding boundary treatments between existing/proposed residential properties and bin storage requirements would be matters to be considered as part of the reserved matters application. Suitable tree species would need to be selected at the reserved matters stage to avoid issues on surrounding residential properties (particularly 98 Ibstock Road, Ibstock).

With regards to neighbour concerns raised but not addressed above, issues regarding property values and trespassing are not planning matters and, therefore, should not be considered in the determination of this planning application. With regards to an assurance that further applications are not submitted on the site, this would not be enforceable. However, the Section 106 legal agreement can indicate the proposed area for development and the public open space/National Forest areas as separate hatched section(s) so that it is clear to the extent of development.

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 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 Ibstock Road, 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 Ibstock Road), 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:

- 20289_03_005 Rev B (Site Access Junction Layout) deposited with the Local Planning Authority on 4 October 2013;
- Site Location Plan (as shown on Drawing Number 13-95-01A Rev A) deposited with the Local Planning Authority on 30 September 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, 2.0 metre wide surfaced and lit footpath links through the site, 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 65 dwellings shall be erected.

Reason - to define the scope of this permission.

- 7 No development (except any demolition permitted by this permission) shall commence on site until a Further Risk Based Land Contamination Assessment, as recommended by the MEC Phase 1 environmental risk assessment July 2013 report ref: 20289/07-13/3430, 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:

- o BS10175 Year 2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;

- o BS 8576 Year 2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
- o BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- o 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:

- o 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:

- o Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- o 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.

- 8 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:
- o Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - o Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - o 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;
 - o Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - o Demonstrate the effectiveness of the approved Remedial Scheme; and
 - o 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.

- 9 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.

- 10 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated August 2013, Ref: 20289/08-13/3433 undertaken by MEC Ltd. and the following mitigation measures detailed within the FRA:

1. 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. Sections 6.3, 6.4 and 8.1 to 8.3.
2. Demonstration within the FRA that the improvement/protection and maintenance of existing ordinary watercourse forming the Western site boundary will be provided through a minimum 8m easement. Section 5.4.
3. Finished floor levels are set no lower than 0.6m above the adjacent top of bank of the ordinary watercourse to Ordnance Datum (AOD). Section 5.4 and 8.4.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons - to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To ensure the structural integrity of existing ordinary watercourse thereby reducing the risk of flooding. To reduce the risk of flooding to the proposed development and future occupants.

- 11 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 strategy should demonstrate the surface water run-off generated up to and including the 100 year plus 30% (for climate change) critical storm will not exceed the run-off from the undeveloped 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:

- o 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.
- o Limiting the discharge rate 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.
- o 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.
 - o 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.
 - o 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.

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

- 12 No development shall take place until a scheme for foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details. The scheme to be submitted shall demonstrate that any additional flows discharging into the foul drainage network will not cause deterioration in the operation (volume or spill frequency) of Combined Sewer Overflows either upstream or downstream of the network.

Reason - an increase in spill frequency or volume would result in the River Sence failing to meet water quality objectives and the risk of deterioration under the Water Framework Directive.

- 13 No development shall commence on site until such time as precise details of the site access arrangements and traffic calming proposal as generally shown on drawing no 20289 03 005 revB) have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details prior to first occupation of any dwelling.

Reason - to ensure a safe and appropriate access to the site and control vehicle speeds on the A447 fronting the site.

- 14 No development shall commence on site until such time as a scheme showing a pedestrian link from the site to Woodstone Primary School by upgrading public footpath N83 (by provision of a 2m wide tarmaced surface with lighting, and replacement of the existing footbridge) has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the approved details prior to first occupation of any dwelling.

Reason - to provide a good quality and convenient pedestrian link to the primary school, bus stops and local services.

- 15 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.

- 16 No development shall commence on the site until such time as a construction traffic/site

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.

- 17 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.

- 18 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.

- 19 No development shall commence on site until such time as a scheme of off-site footpath linkages (including lighting and surfacing) have been submitted to and agreed in writing with the Local Planning Authority. No dwelling shall be occupied until such time as the agreed scheme has been provided in full.

Reason - to provide a good quality and convenient pedestrian link to the primary school, bus stops and local services.

- 20 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.

- 21 No site works of any description shall take place on the site until such time as the existing trees to be retained have been securely fenced off in accordance with a scheme that has first been submitted to and agreed in writing with the Local Planning Authority. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

Reason - to ensure that existing trees are adequately protected during construction in the

interests of the visual amenities of the area.

Notes to applicant

- 1 The Council's Tree Officer provides the following comments which will need to be addressed at the Reserved Matters stage:

Highway tree planting is an important element in the scheme and sustainability is dependent upon on the provision of greater verge width for avenue planting to ensure compatibility with new dwellings and road use.

Woodland planting should avoid random mixtures but be based upon a long term silvicultural plan and thinning cycle which enables the retention of species diversity in the tree canopy, shrub layer and woodland edge to compliment the open glades.

- 2 Your attention is drawn to the notes to applicant provided by the Environment Agency (Ref: LT/2013/116659/01-L01).

- 3 The County Highway Authority provide the following notes to applicant:

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).

A public footpath / bridleway crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.

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 roadadoptions@leics.gov.uk if you wish to discuss further.

All highway related structures, must be designed and constructed in accordance with the current relevant Highways Agency standards, codes of practice and technical memoranda. The design will be subject to the technical-approval procedure set out in

BD 2/12 "Technical Approval of Highway Structures" which is part of the 'Design Manual for Roads and Bridges' that can be found on www.standardsforhighways.co.uk. You must employ a chartered civil or structural engineer with experience in highway structures and approved by the County Council to carry out the design and oversee construction. You should start this approval process at an early stage to avoid delays in completing the Section 38 road adoption agreement, which may delay site works.

Highway related structures will normally include bridges, retaining walls, reinforced soil and anchored earth structures, environmental barriers (including noise barriers and fencing) and all drains, piped and box culverts, sewers and drainage structures, other than bridges, that have a diameter or clear span of more than 900mm. There should be discussion at an early stage to agree which structures we are to adopt. It is likely that the highway authority will seek to adopt the new footbridge to ensure the link between the development and the school and services is maintained in the future. You will have to pay the additional design checking and inspection fees for any highway structure. You must also pay a commuted sum for future maintenance of any highway structure to be adopted.

- 4 Your attention is drawn to the comments received from Natural England (ref: 95256).
- 5 At the reserved matters stage the County Footpath Officer advises that the footpath within the site should ideally comprise a minimum surfaced width of 2 metres together with grass borders of at least 1 metre either side.
- 6 Before any works associated with the surfacing of the footpath are carried out, the County Council's approval should be obtained to the specification for this purpose. The applicant 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 applicant will otherwise be responsible for ensuring that the legal line of footpath N83 is 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 footpath, particular attention should be given to ensuring that no materials are stored on the line of the right of way and that no Contractors' vehicles are parked either along or across it.

Any damage caused to the surface of the footpath which is directly attributable to works associated with the development will be the responsibility of the applicant to repair at his own expense, to the satisfaction of the Highway Authority.

The applicant should also be advised that no additional structures either of a temporary or a permanent nature should be placed across the route of footpath N83 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 considers that he will be unable to assure the safety of users of footpath N83 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 .

It is not clear whether the applicant intends formally to dedicate as a public right of way

the short path indicated by a broken red line on the Master Plan, which extends between footpath N83 and one of the proposed estate roads at the northern end of the application site. If so, dedication of the route would need to be formalised either by its inclusion in a Section 38 Agreement or by the applicant entering into a Deed of Dedication with the County Council.

The applicant might also wish to consider liaising with the County Council's Property Services Section, with a view to providing an informal pedestrian link between the amenity space in the south western corner of the application site and the permissive access within the adjoining Miners Wood as indicated by broken blue lines on the attached plan. Unless a suitable boundary crossing facility is provided between the development and the Wood, it is likely that pedestrians may be tempted to create their own means of access which may be detrimental to the upkeep of the boundary hedge.

7 Your attention is drawn to the Building for Life assessment produced by the District Council's Urban Designer. The applicants are advised to have regard to the areas identified as having the greatest potential for achieving additional Building for Life points when formulating an appropriate form of development at the reserved matters stage(s).

8 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
- Extent of developable area
- 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
- 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))
- 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

9 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).

10 For the avoidance of doubt Condition 4 draws reference to the submitted site location plan and does not approved the illustrative masterplan.