

Residential care development including apartments and cottages and residential care home with associates car parking and landscaping (outline - details of access, appearance, landscaping, layout and scale reserved for subsequent approval)

Report Item No
A1

Willow Farm Ashby Road Moira Swadlincote Derby DE12 6DP

Application Reference
15/00456/OUTM

Applicant:
Mr & Mrs John Bridges

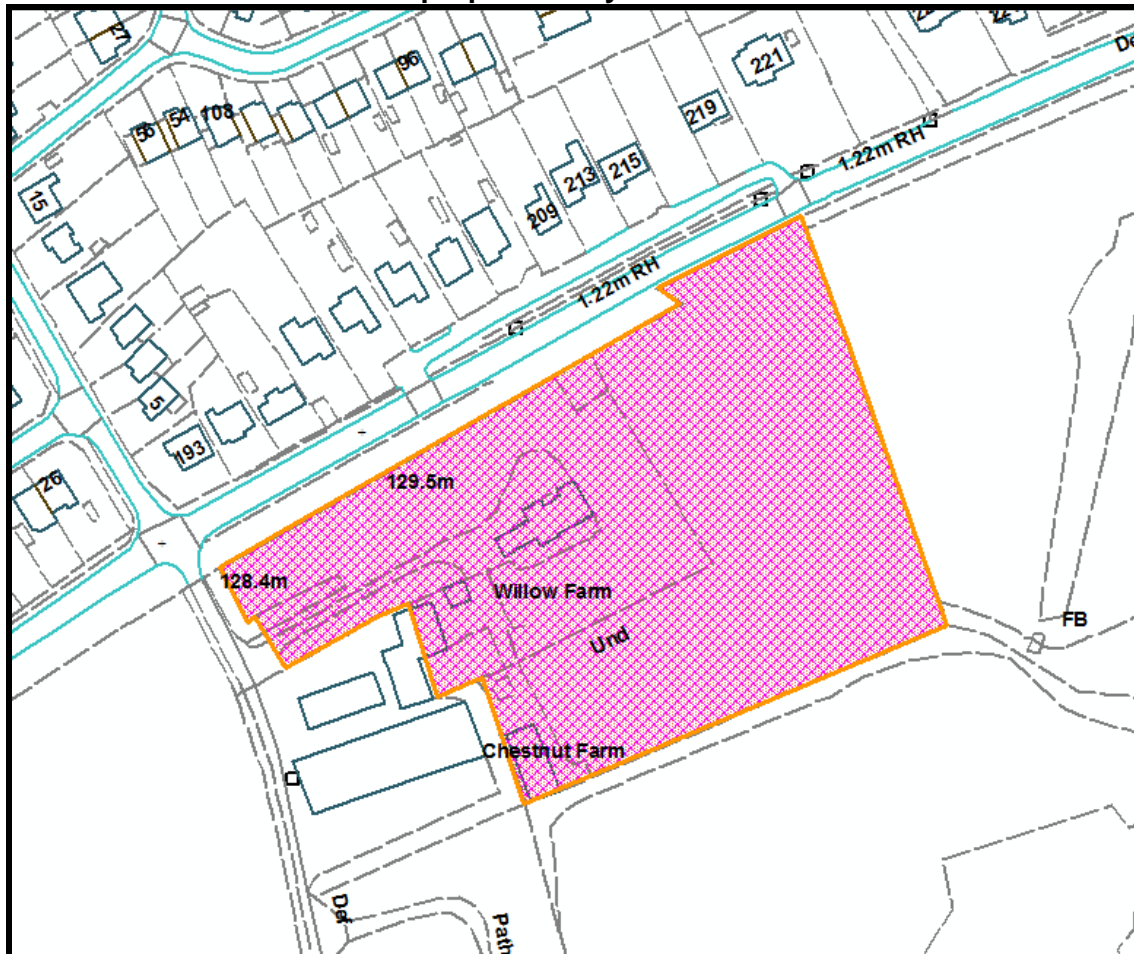
Date Registered
13 May 2015

Case Officer:
Sarah Worrall

Target Decision Date
12 August 2015

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary

Call In

The application is brought before Planning Committee as Councillor John Bridges and Mrs Annette Bridges are the applicants. Councillor Sue McKendrick also requested the application be put to Planning Committee.

Proposal

This is an outline application for the erection of a care village facility outside the Limits to Development of the sustainable village of Moira. Matters of access, layout, scale, appearance and landscaping are all reserved for subsequent approval although indicative layout and elevation plans have been submitted to demonstrate that a scheme could be achieved at the site.

Consultations

Members will note that representations from local residents have been made. In terms of those issues raised, all statutory consultees are satisfied that there are no matters that have not been satisfactorily addressed or cannot otherwise be satisfied by way of condition or through a legal agreement.

Planning Policy

The site is predominantly a Greenfield site located outside the Limits to Development of Moira where there are limited services so the issue of sustainability is key to whether the principle of development at this location is acceptable or not. The site also lies within the River Mease SAC catchment area.

Conclusion

The proposed development would not be in accordance with Policy S3 of the Adopted Local Plan since it would constitute development in the countryside. However, the economic aspects of the scheme including local employment opportunities have to be considered in addition to social benefits to the local and wider community including the additional community services and facilities which would form part of the proposal. Indicative layout plans demonstrate that a scheme could be accommodated on site without causing residential amenity problems or highway safety issues, and design and landscaping issues could be confirmed at a reserved matters stage.

As such, whilst the proposed development would not comply with countryside policies of the Local Plan or Consultation Draft Local Plan, the benefits of the proposal including the provision of an innovative care facility with employment opportunities as well as leisure and retail facilities on the site have to be considered. In this particular instance it is concluded that the benefits of the proposal outweigh the fact that the proposal would form development in the countryside outside Limits to Development of Moira and, on this basis, the application is recommended for approval.

RECOMMENDATION: PERMIT SUBJECT TO CONDITIONS AND S106 AGREEMENT

MAIN REPORT

1. Proposals and Background

This application is reported to Planning Committee since Councillor John Bridges is the applicant.

This is an outline application for the demolition of the existing dwelling at Willow Farm, the removal of associated outbuildings and the growing willow area, and erection of a care facility on the site. The care facility would offer dwellings for more independent living where care needs are lower, in addition to sheltered accommodation and a residential care home. All matters are reserved for subsequent approval.

The site is some 1.5 hectares in size and is currently a dwelling, associated curtilage buildings and agricultural land to the north of Moira village. The site lies in the countryside and there is residential development on the opposite side of Ashby Road.

The application submission comprises a Flood Risk Assessment, Drainage Strategy, Highways information and a Transport Assessment, a Biodiversity Survey and Report, a Planning Statement and justification for the proposal, a Tree Survey, a Coal Mining Risk Assessment, a Statement of Community Involvement, and suggested lease arrangements which could be incorporated into a legal agreement.

An amended site location plan was submitted early on in the application process in order to address ownership issues. Indicative plans have also been submitted to demonstrate how the proposed development could be achieved at the site including possible scale and layout. These plans show a new access off Ashby Road and a secondary access off the existing access to Willow Farm via a private drive which is outwith the applicant's ownership. Since all matters are reserved for subsequent approval the indicative plans are purely suggestive at this stage.

Planning History

88/1368 - Erection of agricultural workers dwelling following coal extraction nearby - permitted;
11/00851/VCU - Variation of condition 13 of 88/1368 in order to remove the agricultural tie associated with the dwelling - permitted.

2. Publicity

39 no. neighbours have been notified (Date of last notification 02 July 2015).

Press Notice published 24 June 2015

3. Consultations

Ashby Woulds Town Council consulted 28 May 2015
County Planning Authority
LCC Development Contributions
County Highway Authority
County Archaeologist
Coal Authority
National Forest Company
Manager Of Housing North West Leicestershire District Council
Head Of Street Management North West Leicestershire District Council

NHS Leicester, Leicestershire And Rutland Facilities Management
Severn Trent Water Limited
Natural England- Within 2k Of SSSI
Police Architectural Liaison Officer
Head of Environmental Protection
Head Of Leisure And Culture
Development Plans
NWLDC Urban Designer
LCC ecology
LCC Fire and Rescue
Ashby de la Zouch Town Council
NWLDC Tree Officer
Head of Environmental Protection
LCC Flood Management

4. Summary of Representations Received

Ashby Woulds Town Council - Objects to the application on the grounds of adequacy of infrastructure, impact on capacity of road network and highway safety, outside draft limits to development, height of buildings, insufficient parking provision included within site, light pollution, and sustainability;

Ashby Town Council - Unable to take a position in support for or opposed to the application as there is not enough information on landscaping, layout and access;

Natural England - No objection subject to condition (River Mease);

The Coal Authority - No objection subject to condition;

Severn Trent Water - No comments received;

NHS England - No comments received;

LCC Archaeology - No comments received;

LCC Highways - No objection subject to conditions;

LCC Planning - No objection;

LCC Lead Local Flood Authority - No objection subject to condition;

LCC Ecology - No objection subject to minimal removal of the hedgerow and subject to a condition requiring a Great Crested Newt survey and mitigation strategy prior to any reserved matters or detailed schemes are submitted;

NWLDC Environmental Protection - Noise - No objection;

NWLDC Environmental Protection - Contamination - No objection subject to conditions;

NWLDC Urban Design Officer - Objection.

Third party representations

There have been 37 representations of objection from local residents. Their concerns can be summarised as follows:

National Forest and Ecology

- Impact on the National Forest and Hicks Lodge;
- The National Forest is an area of natural beauty and land around it should be left as a buffer to enable the forest to establish itself;
- The area is a Green Wedge;
- This a Green Belt area and there are brownfield sites available;
- The information states there are open fields to the south and east sides of the site which is incorrect as they are forested;
- Policy E1 Sensitive Areas and Policy E10 Conservation Areas are both relevant, as are Policy E21 Physical Separation and Structure Plan policies relating to areas of particularly attracted countryside;
- I understand the hedgerow cannot be touched;
- The site includes a hedge which we thought was owned by the Council;
- There will be an impact on wildlife in the area;

Sustainability issues

- The site is not allocated for housing;
- The Government has set out that building on garden land should not take place;
- We have already lost green space to a solar farm and this will cause a further loss of some 7 acres of green land, it won't be long before there is no green space between Ashby town centre and the A444 which is not a good advert for the heart of a new forest;
- The development is in the edge of the village;
- The development is for older/less able residents but the location and distance to facilities and busy road will not assist with integration with the village;
- The application information refers to a row of shops but the pub has been closed for some years and one of the takeaway shops has ceased trading;
- There are no community facilities except in the care home;
- Are the restaurants, beauty salon and cinema going to be open to the public similar to Oaklands in Swadlincote?;
- It is already difficult to get an appointment with the GP, and the nearest hospital is some 9.5 miles away;
- There are sustainability issues, the development would be better in Ashby;
- Local bus services to the village have recently been reduced with the loss of the 9A service so access to other towns is not easy for those more reliant on public transport;

Highway Safety concerns

- The development will cause highway safety problems as the road is used as as a speed way and there is no traffic calming;
- Two entrances onto a busy road will mean there is potential for accidents;
- The existing access serves a farmhouse and an industrial complex comprising seven small businesses employing around 25 people;
- The new entrance is on a 40 mile speed limit road and the slopes on the road would mean there would be blind spots;
- Local newspapers report the proposed plan creating 100 plus jobs but is there adequate parking for residents, employees and visitors?;

- Is there sufficient space for emergency vehicles, waste collection and HGV delivery vehicles?;
- The unadopted private road in front of dwellings on Ashby Road will be used for parking which will cause arguments;
- Any road parking will mean traffic being halted when I manoeuvre my caravan into or out of my property causing a highway safety risk;
- Traffic and pedestrian movements will increase;
- There are no footpaths on that side of the road;
- The proposed pedestrian crossing and bus stop could create more traffic flow problems;
- A highway site visit and risk assessment should be carried out;
- Traffic calming measures would contravene my statutory right to be allowed to drive at 40mph along this stretch of road and would be a total abuse of planning law;

Design and Amenity

- The building of three storey buildings is completely out of keeping with the area;
- The three storey block at the site frontage would be out of keeping and would affect privacy of the the adjacent housing;
- Construction noise will affect residential amenities;
- A rock band practice each week at the industrial estate and this may impact on residents;
- There is no single storey accommodation with gardens for those who can't manage stairs but value their outside space;
- Provision of one central bin store is inadequate for such a large development;
- Where would cottage and apartment residents keep mobility buggies or bicycles?;
- The development is high density and lacks facilities for independent living;
- The plans do not show any dimension relating to the ground height upon which any of the buildings are built. Retaining the existing ground levels and the hedgerow would considerably reduce the impact;
- There are no dimensions or sizes of any kind shown on any drawing or planning documents for the public to view;
- The proximity of the buildings to the highway along with the removal of the boundary hedge would have a dramatic visual impact on the locality;

Land stability, drainage and pollution issues

- The site could be over old mine workings and a land fault;
- Storm water issues will need to be addressed as well as sewerage;
- It will cause a high density isolated vulnerable community which would be a target for criminals;
- It will cause light and noise pollution from 24 hour staff working;
- Frequent emergency vehicle attendance will use sirens which cause distress to local animals;

Other issues

- What is the timescale for the development, the information states that the cottages would help fund the care home?
- There has been no notification of this application on lamp posts;
- Some residents on Dorset Drive have not been informed by letter;
- Some documents cannot be viewed online; No 'For Sale' board has ever been seen;
- No local agent was used;
- The property is owned by the Deputy Chairman of Planning Committee;
- The development will devalue my property, is there any compensation for this?;
- There will be a loss of view from my house, but the occupiers would have a good view;

- I have to clear my garden of litter dropped by people at the bus stop and the development would make this worse;
- Consideration should be given to the use of empty Woulds Court on Willow Close for a care home or sheltered housing;
- Are residents going to suffer a building site for years after the impact of opencast mining?;
- Is there financial interest to the local authority to promote this kind of development?

All responses from statutory consultees and third parties are available for Members to view on the planning file.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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 listed 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 10 (Achieving sustainable development)
- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 17 (Achieving sustainable development - Key Principles)
- Paragraphs 18-20 (Building a strong, competitive economy)
- Paragraph 28 (Supporting a prosperous rural economy)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 34 (Promoting sustainable transport)
- Paragraph 39 (Promoting sustainable transport)
- Paragraph 47 (Delivering a wide choice of high quality homes)
- Paragraph 49 (Delivering a wide choice of high quality homes)
- Paragraph 54 (Delivering a wide choice of high quality homes)
- Paragraph 57 (Requiring good design)
- Paragraph 59 (Requiring good design)
- Paragraph 60 (Requiring good design)
- Paragraph 61 (Requiring good design)
- Paragraph 64 (Requiring good design)
- Paragraph 74 (Promoting healthy communities)
- Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 109 (Conserving and enhancing the natural environment)
- Paragraph 112 (Conserving and enhancing the natural environment)
- Paragraph 118 (Conserving and enhancing the natural environment)
- Paragraph 119 (Conserving and enhancing the natural environment)
- Paragraph 120 (Conserving and enhancing the natural environment)
- Paragraph 122 (Conserving and enhancing the natural environment)

Paragraph 123 (Conserving and enhancing the natural environment)
Paragraph 173 (Ensuring viability and delivery)
Paragraph 203 (Planning conditions and obligations)
Paragraph 204 (Planning conditions and obligations)

North West Leicestershire Local Plan

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 - Overall Strategy
Policy S2 - Limits to Development
Policy S3 - Countryside
Policy H4/1- Housing sequential approach
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy F1 - National Forest General Policy
Policy F2 - Tree Planting
Policy F3 - Landscaping and Planting
Policy T3 - Highway Standards
Policy T8 - Parking
Policy T13 - Cycle Parking
Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design
Policy L21 - Children's Play Areas

Other Guidance

Consultation Draft North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

S1 - Presumption in favour of sustainable development
S3 - Settlement Hierarchy
S4 - Countryside
S5 - Design of new development
IF1 - Development and Infrastructure
IF2 - Community Facilities
IF4 - Transport Infrastructure and new development
IF7 - Parking provision and new development
En1 - Nature Conservation
En2 -River Mease Special Area of Conservation
En3 - The National Forest
Cc2 - Sustainable design and construction
Cc4 - Water - Sustainable Drainage Systems

National Planning Practice Guidance (NPPG) - March 2014

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

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations')

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

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

River Mease Water Quality Management Plan (RMWQMP) - August 2011

The RMWQMP draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition.

The River Mease Developer Contributions Scheme (DCS) - November 2012

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

The Community Infrastructure Levy (CIL) Regulations 2010

The CIL Regulations provide a legislative requirement that an obligation must meet the following tests:

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

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

6. Assessment

Principle of development

This is an outline application, with all matters reserved for subsequent approval, which seeks to establish whether the principle of a care development would be acceptable at the site or not. It is noted that some details of layout and elevations have been submitted but these are for indicative purposes and do not form part of any details to be agreed. However, the applicant has confirmed that they would be seeking permission for a scheme comprising a care home with up to 62 ensuite bedrooms, 66 Sheltered accommodation units, and 30 2 bed roomed dwellings at the site. The latter aspect could be conditioned should the application be approved.

Sustainability issues have to be considered since the application site is located to the west of Moira village and to the south of Norris Hill, so would form development on the edge of a settlement if it was permitted. Moira is a sustainable settlement with its own community services and facilities, and limited facilities are also available at Norris Hill, with bus stops in close proximity to the site. Whilst the proposed development is for a care facility and not open market residential development, similar principles relating to sustainability are shared by both uses. The proposed development would be within walking distance of existing services and facilities, and additional services and facilities would be included on site as part of the overall care village development. The applicant indicates that such services e.g. beauty salon, and cinema would be open to the public which would contribute towards assisting with integration with the wider community as well as offering benefits to the occupants and the wider community.

The application information sets out that there is a need for a care facility of this nature where care can begin with assisted living in a dwelling, and as an individual's care requirements change other levels of assistance are available in the sheltered accommodation and residential care element. Since the transitional accommodation would be available all on the same site an individual would not have to move area which would be beneficial to an individual's well being. Dwellings would be designed to accommodate couples with room for visitors to stay or for live in carers should an individual require that flexibility.

The supporting information also sets out that there is a need for this type of development in Leicestershire, particularly in respect of dementia, and includes information on care aspects and demographics which support the development proposal.

The loss of agricultural land has to be considered as part of the proposal assessment. The site comprises a large dwelling within a substantial domestic curtilage with ancillary outbuildings and this area occupies almost half of the overall site. The information submitted indicates that the agricultural land has a Grade 3 classification but it does not define whether this is Grade 3a or 3b. National guidance indicates Grade 3a as being included as part of the best and most versatile agricultural land. Irrespective of whether the agricultural land is classed as Grade 3a or 3b the area of land where willow is grown is less than 1 hectare in size and does not relate well to any other farmland since it is surrounded by National Forest planting to the east and south, and is bound by Ashby Road to the north and a private access track and commercial units to the west. Taking these points into account it is not considered that the loss of the relatively small area of Grade 3 agricultural land would warrant refusal of the application.

A need has been identified for this type of care facility within the area, and the site is well related to existing residential development and services and facilities. In addition, the loss of a small area of Grade 3 agricultural land at this location would not warrant refusal of the scheme. The proposal would provide local employment opportunities and other public benefits in terms of access to any onsite leisure or retail facilities and provision of a high quality care facility. As

such, the proposal would meet the economic, social and environmental requirements of the NPPF and the development would, in principle, be acceptable at this location.

Design and residential amenity considerations

Whilst an outline application where layout, scale and appearance are reserved matters, an indicative layout and elevations showing parameters of scale and form have all been submitted to set out how a scheme could be achieved at the site. Notwithstanding comments received, the indicative plans submitted are all to scale and show how a development could be achieved on site. The design as currently shown on the indicative plans would not be acceptable but in any event the detailed design issues would fall to be considered at reserved matters stage. As such, in principle, a visually acceptable scheme could be accommodated at the site.

A topographical survey of the site has also been submitted as part of the application. Ground levels at the site slope away from Ashby Road. The submitted plans show that dwellings could be situated towards the front of the site and two apartment buildings of some 12m height could be set to the eastern section of the site, at the lower part of the site without having any adverse impact on existing residential properties through overlooking or overshadowing. A development could also be achieved on the site without having overbearing or other amenity issues between units within the site.

The site is of sufficient size to accommodate a layout to include Bin stores, mobile, buggy parking, cycle parking etc and those details would be considered at any reserved matters stage. A detailed scheme would also include information on security and designing out crime. Leicestershire Police have requested a contribution towards policing as a result of the proposal and this would be achieved through a legal agreement.

The concerns about noise and light pollution are noted. However, the nature of the use would not cause significantly more noise or light pollution than that which would be associated with residential development at that location. The shift patterns of staff would be unlikely to cause significant disturbance to local residents since staff changes would likely be in the mornings and evenings and would be predominantly associated with the residential care element which would be situated away from existing residential development. There would be some disturbance to local residents during any construction periods but that would be temporary.

The submitted indicative design and layout information demonstrate that a scheme could be achieved on site in terms of scale without having any adverse impact on existing or proposed residential amenities in accordance with national and local planning policy. It is also noted that the NWLDC Environmental Protection (Noise) team have no concerns in relation to the existing adjacent commercial activities and the proposed development.

Highway Considerations

Access is also a reserved matter but sufficient information has been submitted for the Highway Authority to determine whether a development of the scale anticipated could be dealt with internally on the site in terms of parking and access, as well as the external impact on the wider highway network. The Highway Authority has concluded that there are no objections to the suggested access points and traffic calming suggestions including a pedestrian crossing and reduction in speed limit. A Transport Assessment has modelled information relating to the size of development suggested on the indicative plans and within the supporting information. Conditions and legal agreement requirements have been recommended by the Highway Authority should the application be approved.

It is noted that the existing access is not within the ownership of the applicant and that matter does not prevent consideration of the current proposal. It would be a private matter to be resolved between the applicant and access owner should the application be approved.

Landscaping, National Forest and ecological considerations

Landscaping is also a matter reserved for subsequent approval should this outline application be approved but the indicative layout plan sets out an option for green spaces within the site. Whilst 20% onsite National Forest planting is unlikely to be achieved the applicant has advised that there is an aspiration to have a landscape led design for the overall scheme to highlight the National Forest identity. The National Forest Company has set out that if onsite planting cannot be achieved, it would be agreeable to a financial contribution towards off site provision and this would be dealt with through a legal agreement.

The proposed development will result in a small loss of scrub habitat formed by the willows grown commercially on site, but this will not be significant loss in the context of the surrounding landscape, which is recently planted with woodland. The dwelling to be demolished appears from the photographs to have low bat potential, and the risk of bats being present in the roof is low.

The loss of hedgerow on the site frontage should be kept to a minimum since the creation of the access on the site frontage would result in a loss of habitat and a break in the wildlife corridor as well as being a visual break. Should the application be approved, it is recommended that a note to applicant be attached to any permission indicating that a reserved matters scheme should demonstrate a landscape led design.

Great Crested Newts (GCN) are known to live in the plantation ponds to the south (Diseworth New Clumps - c.660m away). There are at least 4 and possibly more ponds in the plantations immediately south which appear to be suitable for GCNs, and are within 500m of the application site; one or two ponds are within 100m of the site, to the east, with direct connectivity along a ditch to the site. Some of the habitats on site are suitable for GCN foraging - the willow plantations, for example. If GCNs were present in these nearby ponds, especially the ones connected with a ditch, it would be necessary to take measures to exclude them from the application site. This would require mitigation which could be dealt with through condition, and potentially licensing. Although the development would result in some loss of foraging (if GCNs were present in the nearest ponds) this loss would not warrant refusal of the application since there is plenty of alternative foraging available in the locality. As such, any impact on a GCN population would be temporary, during construction, and mitigatable.

A GCN survey would be required in respect of the ponds within 500m and this would usually be required as part of an application. However, since the ponds are not on site and the application is at outline stage and any impact on a GCN population in nearby ponds would be temporary and mitigatable the County Ecologist advises this matter could be dealt with by condition before any reserved matters or detailed plans are considered for the site.

Land stability, drainage and River Mease SAC

The site is associated with the Boothorpe fault and is part of the coalfield legacy area within the locality. As such, a Coal Mining Risk Assessment has been submitted as part of the application. Coal Authority concerns were retracted following assessment of that report, and the Authority has confirmed it has no objection to the proposal subject to a condition. In addition, NWLDC Environmental Protection (Contamination) colleagues advise that there is no objection to the proposal subject to condition.

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

The River Mease Water Quality Management Plan (WQMP) has been drawn up to ensure there is no adverse impact on the SAC from further development and includes an action to establish a developer contribution framework to fund a programme of actions to restore and provide new benefits to the river. The River Mease Developer Contribution Scheme (DCS) has been produced to meet this action of the WQMP so that the costs of improving the quality of the water in the river are met by potential developers. The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS has been assessed against and is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations, which are also set out at paragraph 204 of the NPPF.

The application proposes that foul drainage would be dealt with via the mains sewer system and a contribution would be required under the DCS. Natural England's Standing Advice sets out that foul water mains drainage development proposals in the River Mease catchment that fully adhere to the now adopted DCS will not sustain an objection from Natural England, providing that the proposal does not result in any other potential impacts on the River Mease SAC either alone or in-combination with other plans or projects and providing that there are no other significant matters of nature conservation concern.

Consideration needs to be given to the capacity of Severn Trent Water's receiving treatment works at Donisthorpe. The flows from the new development will need to be taken into account against the existing headroom at Donisthorpe. At March 2014 there was no capacity available at this treatment works. Therefore a phasing condition would need to be imposed to allow Severn Trent Water time to provide additional capacity at Donisthorpe Treatment Works or elsewhere in its sewer system to deal with the potential discharge from the development.

A condition requiring that only a mains connection is used at the site would also be required as the use of other means for foul drainage discharge could adversely affect the SAC and conditions imposed to secure the details of foul drainage and surface water discharge, which would ensure that the systems are suitable to cater for the development. Therefore based on the above it can be ascertained that the proposal site would not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

The applicant has also indicated in the submission that sustainable drainage elements would be included in any reserved matters details and the County Council as Local Lead Flood Authority has confirmed it would welcome this aspect. Should any surface water drainage link into surface water drainage systems on neighbouring land then that would be a private matter of riparian right for discussion between the relevant parties.

Overall, in terms of issues of land stability, flood risk, drainage and the River Mease SAC it is

considered that the scheme is acceptable, and would provide for appropriate drainage solutions to accommodate the proposed development. On this basis the proposal would be in accordance with the provisions and intentions of the NPPF and the Habitats Regulations.

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.

National Forest planting 20% of the site area (0,3ha) to be woodland planting and landscaping. If this cannot be achieved on site an off-site contribution of £6,000 would be required.

River Mease DCS Contribution request to be confirmed and reported on the update sheet.

Leicestershire Police

This contribution request considers the amount and type of development proposed and compares this with existing Policing demand and crime information for the beat and LPU area in which it will be situated. The existing deployment of Police assets to Police the area are identified and applied to the beat and to forecast the impact of this individual development. The funding and capacity position of the Force is defined. NPPF and local Policy supporting a Policing contribution are identified. Commitments are made to manage the contribution. Finally the contribution is itemised as below with individual methodologies applied to identify a series of infrastructure projects necessitated by this development. CIL tests of compliance are applied to these.

Start up equipment	£2939
Vehicles	£1830
Additional radio call capacity	£184
Police National Direction additions	£94
Additional call handling	£168
ANPR	£2055
Mobile CCTV	£375
Additional premises	£19558
Hub equipment	£144
Total	£27347

Other Developer Contributions

As a result of the LCC Developer Contributions consultation, the following contributions have been requested:

LCC Highways The Highway Authority will require an agreement in respect of all off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. Public transport contributions will also be

required as follows:

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer), and one per employee; 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) £350.00 per pass - NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
- 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 £3263.00 per stop.
- Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display.
- Bus shelters at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4,908.00 per shelter.
- Real Time Information (RTI) displays at 2 nearest bus stops; RTI is known to increase bus patronage where it is available [source - www.dft.gov.uk/itstoolkit/case-studies.htm]. At £6,000.00 per display.

LCC Civic Amenity No contribution required

LCC Library Services The proposed development on Ashby Road, Moira is within 2.9km of Ashby de la Zouch Library on North Street, being the nearest local library facility which would serve the development site. The library facilities contribution would be £2,490.

Assessment of Financial Requests

The County Council requests in respect of off-site highways works would ensure that the proposed development is satisfactorily assimilated into the transport network. This approach is considered to be consistent with Government guidance in the National Planning Policy Framework, the CIL Regulations 2011, and the County Council's Local Transport Plan 3. The contribution request in relation to libraries would also be consistent with Government guidance and the CIL Regulations 2011.

Leicestershire Police has requested a financial contribution of £27,347.00 as set out above. Officers are of the view that the scale and kind of contributions sought would be fairly and reasonably related to this development.

In respect of the requests received in respect of this application, it is considered that the following meet the tests, and the applicant has confirmed that they would be willing to enter into an agreement to secure the following contributions:-

- Leicestershire Police (£27,347.00)
- Libraries (£2,490.00)
- Transport (Travel Packs, Bus Passes, Bus Stop Improvements, Information Display Cases etc as set out above) and separate S278 works
- National Forest planting 20% (0.3ha) onsite or £6,000.00 off site contribution
- River Mease DCS to be confirmed and reported on the update sheet.

Other issues

The timescale for development, should the application be approved, is not known but a phasing masterplan condition could be applied to an outline permission for clarity.

A site notice for the development proposal was posted on Ashby Road lamppost. In addition, neighbour notification was undertaken over and above the legally required notification. Some application information was submitted during the course of the application including amended information, but all has been available online to view and a pragmatic approach has been taken in respect of deadlines for representations - the most recent one was received in October 2015.

The sale of property is a private matter and does not impact on the material planning considerations relating to this proposal. The District Council would not gain financially from the proposed development. The fact that the Deputy Chairman of the Planning Committee is the owner of Willow Farm and also the applicant means that the application has to be considered by the Planning Committee in a public forum, and that the NWLDC Member Code of Conduct will apply and the Deputy Chairman will not be able to take part in the discussion of the scheme.

Devaluation of property and loss of view are not material planning considerations.

It is noted that one representation refers to the reuse of the Woulds Court site on Willow Close. However, whilst that site could be reused as a care facility it would not be of sufficient size to accommodate the proposed development.

Conclusions

The proposed development would not be in accordance with Policy S3 of the Adopted Local Plan since it would constitute development in the countryside. However, the economic aspects of the scheme including local employment opportunities have to be considered in addition to social benefits to the local and wider community including the additional community services and facilities which would form part of the proposal. Indicative layout plans demonstrate that a scheme could be accommodated on site without causing residential amenity problems or highway safety issues, and design and landscaping issues would be confirmed at a reserved matters stage. As such, the proposed development would be in accordance with other local and national planning policy requirements.

Whilst the proposed development would not comply with countryside policies of the Local Plan or Consultation Draft Local Plan, the benefits of the proposal including the provision of an innovative care facility with employment opportunities as well as leisure and retail facilities on the site have to be considered. In this particular instance it is concluded that the benefits of the proposal outweigh the fact that the proposal would form development in the countryside outside Limits to Development of Moira and, on balance, the application is recommended for approval.

RECOMMENDATION, PERMIT, subject to the signing of the Section 106 Agreement and the following conditions:-

- 1 Application for the 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).

- 2 Approval of the details of access, appearance, landscaping, layout and scale

(hereinafter called "the reserved matters") for each phase of the development shall be obtained from the Local Planning Authority in writing before any development is commenced on that particular phase, and the development shall be carried out as approved.

Reason- This permission is in outline only.

- 3 The care facility hereby permitted shall comprise a maximum number of 30 No. care related dwellings, 66 No. sheltered units, and a care home with 62 No. ensuite bedrooms along with ancillary social and medical related space.

Reason - For the avoidance of doubt since the indicative plans show that a development of this size can be achieved on the site without adverse impacts in respect of material planning considerations.

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

Site location plan received on 5 June 2015.

Reason- To determine the scope of this permission.

- 5 The reserved matters application(s) for each phase of development shall include precise details of the finished floor levels of each care related dwelling and care apartment and care home accommodation in relation to the finished ground levels across the site in relation to an existing datum point and in relation to the existing finished floor and roof height levels of the dwellings on Ashby Road opposite the site.

Reason- In the interests of visual and residential amenities.

- 6 Notwithstanding Conditions 1 and 2 above, the first reserved matters application shall include a development masterplan for the whole of the site setting out details of site layout, areas of open space, surfacing and width of footpaths 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 on 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 and to ensure that vehicles entering, leaving and travelling through the site may pass each other clear of the highway and not cause problems or dangers within the highway.

- 7 Notwithstanding any details submitted, and before development commences on any individual phase of the development of the site, a detailed scheme for the boundary treatment of the site, or any individual phase, shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the care accommodation of that particular phase of development is occupied.

Reason- To preserve the amenities of the locality.

- 8 Development shall not begin until details of design for off-site highway works being speed reduction measures on Ashby Road including the relocation of the existing 30 mph speed limit to the east of the site frontage and the provision of a pedestrian crossing at the site frontage have been approved in writing by the local planning authority; and the 10th dwelling or the care home shall not be occupied until that scheme has been constructed in accordance with the approved details.

Reason- In the interests of highway safety, including pedestrian safety.

- 9 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.

- 10 The occupation of the care accommodation hereby permitted shall be restricted to persons having a minimum age of 55 years or a widow or widower of such a person, and in the case of couples living together, one of the occupants shall be aged 55 years or more.

Reason - In view of the transport assessment being modelled on retirement home related traffic movement and to ensure that the development takes the form envisaged by the Council in view of the development constituting an exception to the Council's requirements for play area provision.

- 11 Prior to submission of a reserved matters application the following items shall be undertaken, at the developer's expense, and details shall be submitted to and agreed in writing by the Local Planning Authority:

- The submission of a scheme of intrusive site investigations, including mine gas monitoring;
- The undertaking of the scheme of intrusive site investigations;
- The submission of a report of findings arising from intrusive site investigations; and,
- The submission of a scheme of remedial works for the shallow coal workings and mine gas protection measures for approval.

No development shall commence on site until details of such remedial works have been implemented at the site.

Reason- In the interests of safeguarding the proposed development and adjacent properties in respect of the coalfield legacy of the site.

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

Assessment shall be carried out in accordance with:

- BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
- BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

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

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

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

- 13 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

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

- 14 None of the care accommodation on any individual phase of the development hereby approved shall be occupied until a scheme of measures to ensure the sewer/drainage network has capacity to serve that phase of the development has been provided in full accordance with a scheme that has first been submitted and agreed in writing with the Local Planning Authority.

Reason- To ensure sufficient capacity is available within the local drainage network.

- 15 No development shall commence on any individual phase of the development until such a time as details of the means of disposal of foul drainage from that phase of development have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details which shall thereafter be so retained.

Reason- To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and in the interests of the integrity of the River Mease SAC/SSSI.

- 16 No development shall commence until a surface water drainage scheme for the overall site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality; the limitation of surface water run-off to equivalent Greenfield rates; the ability to accommodate surface water run-off onsite up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained 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.

Reason- To prevent flooding by ensuring the satisfactory storage of, and disposal of, surface water from the site.

- 17 No work shall commence on any individual phase of the development until such time as a scheme for protecting the existing hedgerow, identified as being retained, during the construction process has been submitted to and approved by the Local Planning Authority and implemented to its satisfaction for that particular phase. The scheme shall include measures to protect the working area within Root Protection Areas. Such protection as is agreed shall be maintained during the course of development for that particular phase.

Reason- To ensure satisfactory protection of the existing trees and hedgerow in question during the period when construction works take place on the site.

- 18 The soft landscaping scheme on any individual phase of the development shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be

replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason- In the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained.

- 19 Prior to the submission of any reserved matters application, or other detailed submission, a Phase 1 Habitat Survey and also Great Crested Newt Surveys of ponds within 500 metres of the site shall be undertaken and findings and appropriate extensive mitigation measures and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures will be implemented in full accordance with the approved details and implementation period prior to development commencing.

Reason- In the interests of the protection of protected species.

- 20 No development shall commence on any individual phase of development until a biodiversity management plan for all retained and created habitats including SUDS in that phase has been submitted to and agreed in writing by the Local Planning Authority. The SUDS should be designed to maximise benefit to wildlife.

Reason- In the interests of nature conservation.

- 21 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 September (inclusive).

Reason- In the interests of breeding birds, and to ensure no adverse impact on other protected species in the interests of nature conservation.

- 22 No development shall commence on any individual phase of the development until details of the design and location of bird nesting boxes and bat boxes have been submitted to and agreed in writing by the Local Planning Authority for that particular phase. The development shall be carried out in accordance with the agreed details, and the measures incorporated shall thereafter be so retained.

Reason- In the interests of providing potential bird nesting and bat roosting sites in the interests of nature conservation and enhancing the biodiversity of the site.

- 23 All landscape planting in any informal/natural open space should be of locally native species only.

Reason- In the interests of nature conservation.

- 24 Buffer zones of at least 5m of natural vegetation should be maintained alongside all retained hedgerows unless otherwise agreed in writing with the Local Planning Authority.

Reason- In the interests of nature conservation.

- 25 No development shall commence on any individual phase of the development until a lighting scheme for the development site has been submitted to and agreed in writing with the Local Planning Authority for that particular phase. The scheme shall include

provisions to demonstrate that light spill onto retained hedgerows and the brook corridor, to be minimised to a value of 1 lux or lower at the edge of the habitats.

Reason- In the interests of protected species.

- 26 All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document unless otherwise agreed in writing by the Local Planning Authority (LPA) in conjunction with the Highway Authority. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences. Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.

Reason- To ensure a satisfactory form of development and in the interests of highway safety.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage and during the application 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 2015 (as amended).