

Development of up to 150 dwellings with open space, landscaping, access and other infrastructure work (outline - all matters reserved apart from part access)

Report Item No
A2

Site Adjacent Computer Centre And Jct 24 Packington Hill
Kegworth Derby DE74 2DF

Application Reference
14/00541/OUTM

Applicant:
Trustee Of Curzon Coaker Settlement

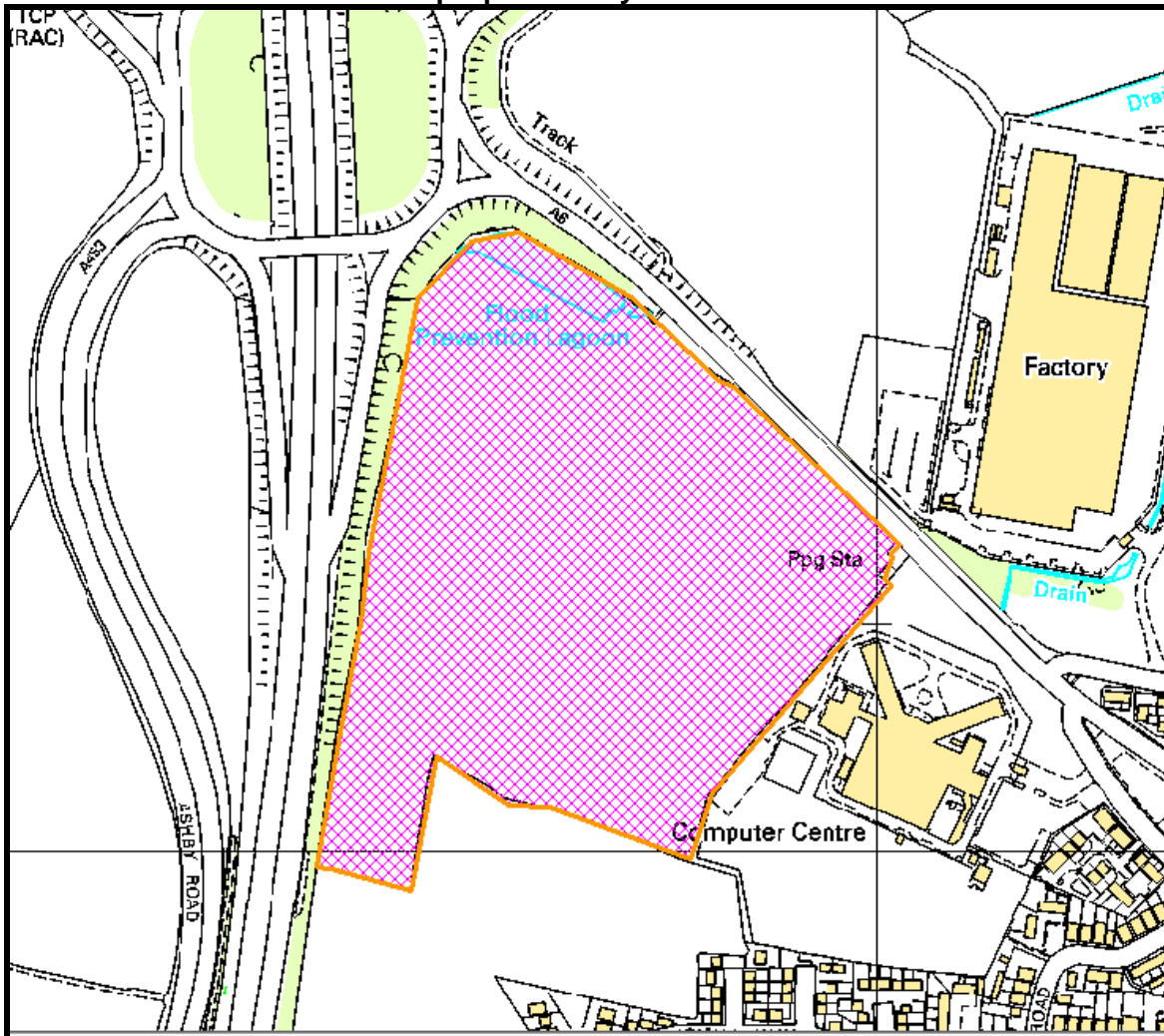
Date Registered
22 May 2014

Case Officer:
Sarah Worrall

Target Decision Date
21 August 2014

Recommendation:
PERMIT Subject to a Section106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary

Call in

This application has not been called in but is reported to Committee due to representations being received for an against the proposal which does not conform with the Adopted Local Plan.

Proposal

This is an outline application for the erection of 150 dwellings with associated infrastructure including open space, landscaping and access. All matters are reserved except access. An indicative layout plan has 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 a Greenfield site located outside the Limits to Development of Kegworth which is a sustainable settlement and would include an access onto the A6 classified road and also in close proximity to J24 of the M1 with the potential to impact on the strategic highway network.

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 have to be considered in addition to social benefits to the local and wider community including the additional sports pitches, public open space and improvements to the local highway network 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, the proposed development would be in accordance with other local and national planning policy requirements and, on balance, the application is recommended for approval.

RECOMMENDATION, RESOLVE TO PERMIT, subject to the signing of the Section 106 Agreement and conditions, and also the inclusion of highways conditions under delegated powers

MAIN REPORT

1. Proposals and Background

This is an outline application for the erection of up to 150 dwellings with associated infrastructure including open space, landscaping and access. All matters are reserved except access.

The site slopes down from the M1 embankment towards Derby Road and is currently used for agricultural purposes. A commercial operation is located to the east of the site and an area of land to the south of the site has an extant permission for residential development. The site is bound to the west by the line of the M1, and Derby Road (A6) to the north east.

A Design and Access Statement, Transport Assessment, Ecological Survey, Arboricultural Survey, Landscape and Visual Appraisal, Flood Risk and Drainage Report, Heritage/Archaeology Reports, Soils and Agricultural Land Assessment, Air Quality Assessment, Noise Assessment and Statement of Community Involvement have been submitted as part of the application. A report assessing the site for mineral potential was submitted in February 2015 following concerns raised by County Planning. Substantial highway discussions have taken place throughout the course of the application.

Planning History

There is no planning history associated with the site.

2. Publicity

99 no. Neighbours have been notified (Date of last notification 11 June 2014)

Site Notice displayed 24 June 2014

Press Notice published 18 June 2014

3. Consultations

Clerk To Kegworth Parish Council, consulted 11 June 2014

Highways Agency- affecting trunk road consulted

Environment Agency consulted 11 June 2014

County Highway Authority consulted 11 June 2014

Severn Trent Water Limited consulted 11 June 2014

Head of Environmental Protection consulted 11 June 2014

Natural England- Within 2k Of SSSI consulted 11 June 2014

NWLDC Tree Officer consulted 11 June 2014

County Archaeologist consulted 11 June 2014

Airport Safeguarding consulted 11 June 2014

LCC ecology consulted 11 June 2014

NWLDC Urban Designer consulted 11 June 2014

LCC Fire and Rescue consulted 11 June 2014

LCC Development Contributions consulted 11 June 2014

NHS Leicester, Leicestershire And Rutland Facilities Management consulted 11 June 2014

Development Plans consulted 11 June 2014

Head Of Leisure And Culture consulted 11 June 2014

Manager Of Housing North West Leicestershire District Council consulted 11 June 2014

Police Architectural Liaison Officer consulted 11 June 2014

Rushcliffe Borough Council consulted 11 June 2014
Head Of Street Management North West Leicestershire District consulted 11 June 2014
DEFRA consulted 11 June 2014
County Planning Authority consulted 18 June 2014

4. Summary of Representations Received

Kegworth Parish Council - No objection but requires consideration of the provision of adequate pedestrian and cycle routes, drainage for the sports pitches and provision of the pitches in a properly laid out manner, affordable housing provision, onsite car parking, high quality design, adoptable roads within the development, repositioning of 30mph speed limit, and any children's play areas to be well laid out with proper equipment.

Highways England - Original direction was withdrawn and confirmation received of no objection

Severn Trent Water - No objection subject to condition

Natural England - No objection

East Midlands Airport - No objection subject to any SUDS ponds being smaller areas of open water surrounded by wet woodland planting to ensure there is no increase in potential bird strike risk

Leicestershire Police - No objection subject to a financial contribution

NHS - No comments received despite the information being passed on by the Leicestershire contact to their counterpart in the area covering Kegworth

LCC County Planning (Minerals) - No objection based on the additional information submitted in February 2015

LCC Highways - No objection, in principle, to the proposed access

LCC Developer Contributions - No objection subject to agreement to contributions

LCC Ecology - No objections subject to condition

NWLDC Environmental Protection (Air Pollution) - No objection

NWLDC Environmental Protection (Noise) - No objection

NWLDC Affordable Housing Enabling Officer - No objection subject to a policy compliant scheme being agreed - 30% on site affordable housing

Third party representations

Three representations have been received from local residents. One representation raising concerns can be summarised as follows:

- The proposal will worsen congestion within the village;

- What other amenities within the village are planned to support these new dwellings?; and,
- There is evidence of protected species on site and an environmental survey needs to be undertaken.

One representation confirms there is no objection to the proposal but wishes to submit that a traffic light control should be required at the access, the need for pavements to the site for pedestrian access and village infrastructure should be considered (GP, schools etc).

A third representation supports the application on the basis that the development would provide much needed additional sports pitches in Kegworth.

5. Relevant Planning Policy

National Planning Policy Framework

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 9 (Achieving sustainable development);
Paragraph 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraphs 18-20 (Building a strong, competitive economy);
Paragraph 32 (Promoting sustainable transport);
Paragraph 34 (Promoting sustainable transport);
Paragraph 35 (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 50 (Delivering a wide choice of high quality homes);
Paragraph 54 (Delivering a wide choice of high quality homes);
Paragraph 56 (Requiring good design);
Paragraph 57 (Requiring good design);
Paragraph 58 (Requiring good design);
Paragraph 59 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 64 (Requiring good design);
Paragraph 69 (Promoting healthy communities);
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 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 124 (Conserving and enhancing the natural environment);
Paragraph 141 (Conserving and enhancing the historic environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (Planning conditions and obligations);

Adopted North West Leicestershire Local Plan (2002)

The application site is outside the 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 sets out 13 criteria which form the strategy for the adopted Local Plan;
Policy S3 - Countryside;
Policy E2 - Landscaped Amenity Open Space;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy E8 - Crime Prevention;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy T20 - Airport Safeguarding;
Policy H4/1 - Housing Land Release;
Policy H6 - Housing Density;
Policy H7 - Housing Design;
Policy H8 - Affordable Housing;
Policy L21 - Children's Play Areas;

Other Policies

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

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

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 Kegworth.

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

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.

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;

Leicestershire County Council Statement of Requirement for Developer Contributions in Leicestershire

The County Council's Statement of Requirement for Developer Contributions in Leicestershire sets out the circumstances in which developer contributions will be required in respect of County and District service areas, as well as other public services, and the level of contributions required;

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

6. Assessment

Background

This application was submitted on 22 May 2014 and for more than a year negotiations about the offsite highways works have been taking place. The report is being put to Committee for consideration due to the receipt of positive and negative representations on the proposal, although it should be noted that these are very limited in number. Whilst the off-site highway

details are still being discussed, the Highway Authority has confirmed that, in principle, there is a solution and the proposed development can be achieved at the site. As such, this report respectfully requests that Planning Committee resolve to approve the application subject to indicative conditions set out in this report and subject to highways issues being agreed subsequently by the Highway Authority and being dealt with by officers under delegated powers.

Principle of Development

This is an outline application with all matters other than access being reserved for subsequent approval. However, the supporting information and indicative layout plan demonstrate that a scheme could be achieved on site which would relate well to existing built form towards the village whilst leaving a buffer area between the proposed dwellings and the M1 which could include the public open space provisions and sports pitches. It is noted that the applicant has discussed matters with Kegworth Parish Council and additional sports pitches have been identified as a need for the village. It is also noted that the proposed sports pitches and public open space would be over and above that required by NWLDC planning policy documents. To clarify matters, the application would provide space for a sports pavilion or similar to be constructed at a later date, should the application be approved, but does not include that facility as part of the current application.

The NPPF requires that the Council should be able to identify a five year supply of housing land, when measured against the Full Objectivity Assessed Need (FOAN), with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The District Council is able to demonstrate a five year supply of housing land and as a result of this Policies S3 and H4/1 of the Local Plan are not considered to be 'out of date' in the context of Paragraph 49 of the NPPF. However, in terms of the weight which should be afforded to these policies consideration has to be given to the fact that the limits to development, as defined in the adopted Local Plan, were drawn having regard to housing requirements only up until the end of the Plan Period (i.e. to 2006).

The draft Local Plan identifies that an increased housing land requirement beyond that underpinning the District's existing housing needs may be required. This could, as the weight to be attached to the Local Plan increases as it progresses towards adoption, place the District in a position whereby it would no longer be able to demonstrate a five year (plus buffer) supply. However, having regard to the very limited weight that can reasonably be attributed to the emerging Local Plan at this early stage, and the fact that the indicative target as set out in the emerging draft Local Plan is distinct from the FOAN, it remains the case that a five year supply (including 20% buffer) can be demonstrated at this stage.

In terms of Policy S3 the site is outside the limits to development with residential dwellings not being a form of development permitted by Policy S3. Despite this fact consideration should also be given to other Development Plan Policies and National policies including Policy H4/1 which identifies that in releasing appropriate land for housing consideration should be given to various factors. Whether or not a site is "appropriate" is a matter of judgement having regard to its location outside the limits to development.

It is also accepted that 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 given the presumption in favour of such as set out in the NPPF.

The 15.4ha site is currently agricultural land used for arable purposes. The submitted

information submits that the soil classification of the site is classified as Grade 2 and Grades 3a and 3b, forming part of the best and most versatile (BMV) agricultural land. The NPPF indicates that Grade 3b and least versatile lower grade agricultural land should be considered before using BMV. However, the site is bound on all sides by physical man made boundaries and is related only to the fields on the opposite side of the road so any economic benefits of economies of scale for the agricultural use are limited. The indicative plan demonstrates that the site could be developed at the level proposed whilst retaining a sense of openness at this end of the village. On balance, it is considered that the BMV agricultural land classification would not warrant refusal of the scheme.

The area is known to have minerals deposits including sand and gravel possibilities at the site. LCC Planning (Minerals) initially raised objection to the proposal but following submission of additional information in February 2015 has confirmed it has no objection to the development proposal since the minerals assessment demonstrates that the sand and gravel resource which exists is not suitable for processing because of its nature (clay bound and poorly sorted).

Kegworth is considered to be a sustainable settlement which could absorb the increase in population resulting from the proposed development should the effects be appropriately mitigated via contributions towards service provision. In addition, a scheme for up to 150 dwellings would make a significant contribution towards the Council's continued need for a five year housing land supply, and would result in a substantial increase in public open space for the wider village community. Furthermore, access proposals would include a signalised junction which would provide benefit to the operation of the local highway network in addition to traffic queue reduction. It is noted that the site forms BMV agricultural land but due to its physical boundary limitations is not considered that the loss of this land would warrant a refusal of the application. It is also noted that there are no minerals sterilisation or flood risk concerns. 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

The details of layout, scale, appearance and landscaping are matters reserved for subsequent approval but the site is of sufficient size to accommodate 150 dwellings without causing any adverse impact on existing or planned development, or internally within the site itself. A high quality design would be expected at any reserved matters stage should the application be approved due to the 'gateway' location of the site.

The District Council Environmental Protection team advises that there are no concerns in respect of Air Quality at this location based on the information submitted, and that noise from the M1 would not cause concern. The latter could be designed out through glazing and building materials, and alternative ventilation methods etc.

In addition there is adequate space within the site to accommodate onsite public open space and sports pitches and provision of these elements could be ensured through legal agreement should the application be approved.

The County Ecologist confirms that there are no ecological concerns and conditions attached to any permission could assist with biodiversity enhancement at the site. There are no archaeology concerns in respect of the site.

Sustainable drainage systems could be implemented at the site without having an adverse impact on airport operations and could be dealt with through informative.

As such, the proposed development would comply with Adopted Local Plan policies and the provisions and intentions of national planning policy and guidance.

Access

As set out at the start of this report, off site details relating to the signalised junction and timings and other works within the highway are still being discussed with the applicant and Highway Authority. LCC Highways is working with the applicant to reach an agreement on the details and has confirmed that it has no objection in principle to the development since it would be achievable at the site. It is also considered that the off site highways works would benefit the local highway network and assist in queue reduction within the village and would not have any impact on the strategic highway network.

As such, it is considered that the proposed access and associated works would, in principle, be acceptable.

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 supporting information confirms that the developer would be agreeable to financial contributions in respect of the scheme and these will be reported on the update sheet with any updated highways requirements.

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 have to be considered in addition to social benefits to the local and wider community including the additional sports pitches, public open space and improvements to the local highway network 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, the proposed development would be in accordance with other local and national planning policy requirements and, on balance, the application is recommended for approval.

RECOMMENDATION, RESOLVE TO PERMIT, subject to the signing of the Section 106 Agreement and the following conditions, and inclusion of highways conditions, and any others necessarily required, under delegated powers:-

- 1 Application for approval of the reserved matters shall be made to the Local Planning

PLANNING APPLICATIONS- SECTION A

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 the layout, scale and appearance of the development and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason- This permission is in outline only with all matters, other than access, reserved for subsequent approval.

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

Site location plan Drawing number 5875-L-01 rev C.

Reason - To determine the scope of this permission.

- 4 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, 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 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.

- 5 The reserved matter application(s) shall include precise details of finished ground levels across the site and the finished floor levels of all buildings in relation to an existing datum point.

Reason - To ensure a satisfactory relationship with the adjacent dwellings/the streetscene, as insufficient details have been provided.

- 6 The first reserved matters application shall be accompanied by a further Building for Life 12 assessment.

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

- 7 The first reserved matters application in respect of the matter of landscaping shall provide for an ecological / landscape management plan, 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.

- 8 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to September inclusive unless otherwise agreed in writing by the Local Planning Authority that breeding birds will not be adversely affected by any works.

Reason - To reduce the impact of the proposal on nesting birds, which are a protected species.

- 9 No work shall commence on site until trees on and adjacent to the site have been securely fenced off with protective barriers to form a construction exclusion zone in accordance with BS 5837:2012 Tree in relation to design, demolition and construction. A Tree Protection Plan shall have been submitted to and approved in writing by the Local Planning Authority. Within the protected areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and no service trenches shall be dug unless first agreed in writing by the Authority.

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

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively 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).