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Erection of six no. houses

Report Item No  
A2

11 Main Street Ravenstone Coalville Leicestershire LE67 2AS

Application Reference  
15/00128/FUL

Applicant:  
Cameron Homes Limited

Date Registered  
25 March 2015

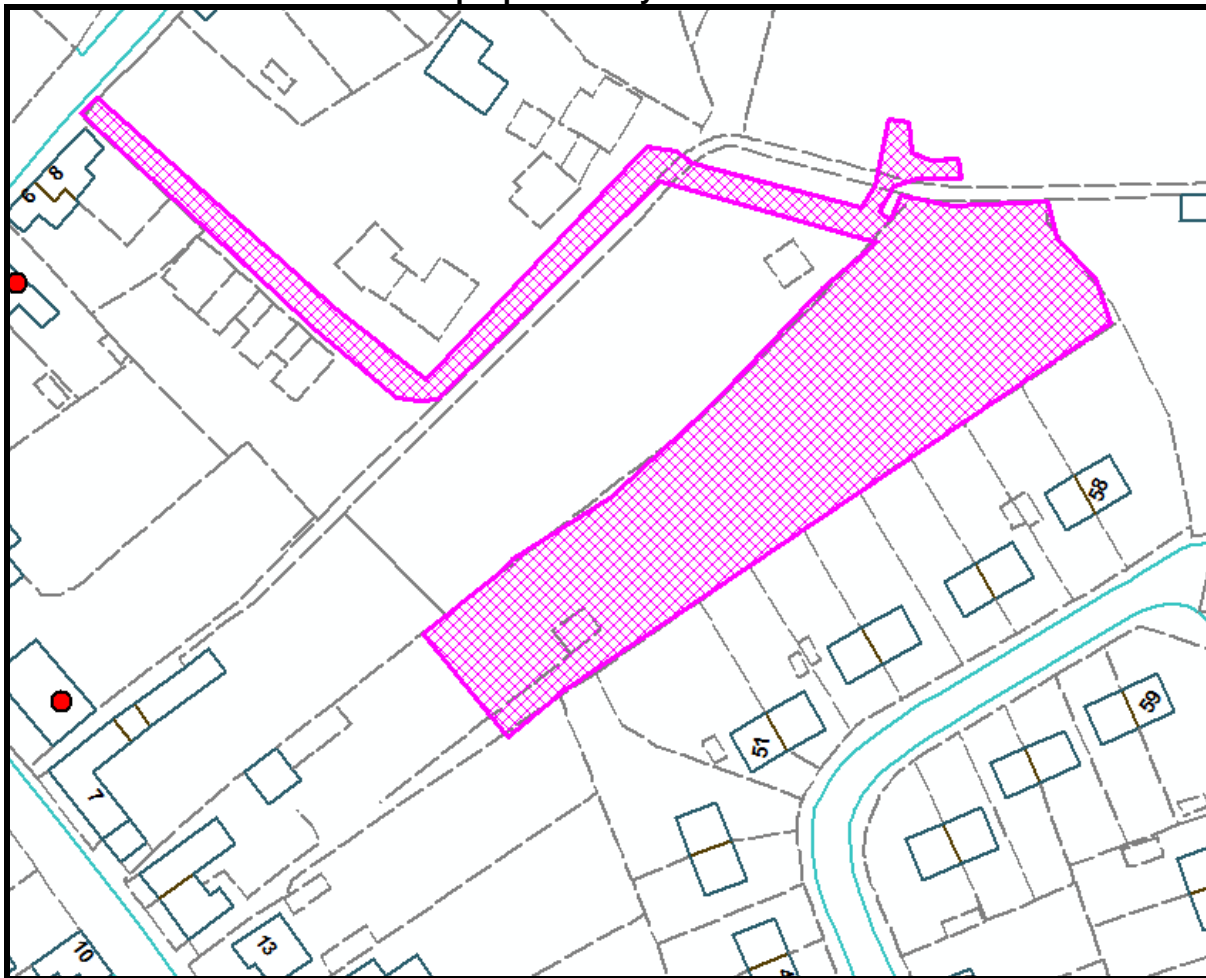
Case Officer:  
James Mattley

Target Decision Date  
20 May 2015

Recommendation:  
PERMIT subject to a Section 106 legal agreement;

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Site Location - Plan for indicative purposes only



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## **EXECUTIVE SUMMARY OF PROPOSALS**

### **Call In**

The application has been called in by Councillor Legrys on the grounds of community concerns and to be transparent given that the previous application on the site was heard at the Planning Committee.

### **Proposal**

Planning permission is sought for the erection of six houses on land to the east of Church Lane and to the north of Ravenslea, Ravenstone. The application site would effectively form an extension to an existing residential scheme which is currently being built out by Cameron Homes. That scheme was for the erection of 27 dwellings and was granted planning permission under ref 14/00051/FULM. The application site which measures some 0.34 hectares is located within the Limits to Development and within the Ravenstone Conservation Area.

### **Consultations**

A total of ten individual representations have been received opposed to the development with two letters of support. Ravenstone Parish Council have also objected to the development. All other statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

### **Planning Policy**

It is considered that the development would be compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the current, and draft emerging, North West Leicestershire Local Plan and other guidance.

### **Conclusion**

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

The proposed development would be acceptable in terms of the residential amenities of existing and future occupiers, and would provide for an appropriate form of design that would be in keeping with the locality and would have an acceptable relationship with the Conservation Area. The proposal would be acceptable in relation to highway safety, subject to appropriate planning conditions. The scheme would not result in significant impacts upon protected species, trees and flood risk issues.

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

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

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

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

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

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the erection of six houses on land to the east of Church Lane and to the north of Ravenslea. The application site would effectively form an extension to an existing residential scheme which is currently being built out by Cameron Homes. That scheme was for the erection of 27 dwellings and was granted planning permission under ref 14/00051/FULM. The application site which measures some 0.34 hectares is located within the Limits to Development and within the Ravenstone Conservation Area. Residential properties along Church Street are located to the north-west of the application site, residential properties along Main Street are located to the south-west of the application site, residential properties along Ravenslea are located to the east and to the north-east are open fields.

Access to the site would be from Church Lane by utilising the access approved under planning permission ref 14/00051/FULM. The accommodation mix comprises 4 no. 4 bed dwellings and 2 no. 5 bed dwellings. The dwellings would be detached and would be provided over two and three storeys (the second floor accommodation (where included) provided within the roof space). An existing part single storey part two storey outbuilding would be demolished as part of the proposals.

The application is accompanied by a tree survey, ecological appraisal, transport statement and design and access statement.

The application has been called in by Councillor Legrys on the grounds of community concerns and to be transparent given that the previous application on the site was heard at the Planning Committee.

#### Relevant Planning History:

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

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

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

13/00603/FULM - Residential development for 27 dwellings including demolition/conversion of former school - refused.

13/00602/FULM - Residential development for 27 dwellings including demolition/conversion of former school (Conservation Area Consent) - void.

14/00050/FULM - Residential development for 27 dwellings including demolition/conversion of former school - permitted.

### 2. Publicity

78 NO Neighbours have been notified (Date of last notification 27 March 2015)

Site Notice displayed 1 April 2015

Press Notice published 8 April 2015

### 3. Consultations

Parish Clerk - Ravenstone With Snibston Parish Council consulted 27 March 2015

County Highway Authority

Severn Trent Water Limited  
Head of Environmental Protection  
NWLDC Tree Officer  
County Archaeologist  
LCC ecology  
Airport Safeguarding  
NWLDC Conservation Officer  
NWLDC Urban Designer  
National Forest Company  
LCC Development Contributions  
NHS Leicester, Leicestershire And Rutland Facilities Management  
Manager Of Housing North West Leicestershire District Council  
LCC/Footpaths  
Head Of Street Management North West Leicestershire District Council  
County Highway Authority

#### **4. Summary of Representations Received Statutory Consultees**

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

- density of housing is excessive;
- impact upon infrastructure;
- site is located in the Conservation Area;
- concerns regarding drainage.

**Airport Safeguarding** raises no objections.

**Leicestershire County Archaeologist** originally requested an Archaeological Impact Assessment. Following the submission of additional information the County Archaeologist raises no objections to the proposal.

**Leicestershire County Ecologist** has no objections in principle to the application but requested the submission of a further bat survey for the building on the site which would be demolished.

**Leicestershire County Footpath Officer** has no objection to the proposal but does provide some notes to the applicant.

**Leicestershire County Highway Authority** has no objection subject to the inclusion of relevant planning conditions and obligations.

**Leicestershire County Highway Transportation and Waste Management Authority** requests a developer contribution of £392 in order to mitigate the impact on civic amenity waste facilities in the local area.

**Leicestershire County Local Education Authority** requests a contribution of £28,435.67.

**National Forest Company** requests a financial contribution of £1360.

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

### Third Party Representations

A total of ten objections have been received raising the following issues:

- impact upon existing infrastructure;
- surrounding roads and junctions will be affected;
- access point onto Church Lane is inadequate;
- the village is growing out of proportion and is losing its identity;
- affordable housing should be provided;
- the application site is located in the Conservation Area and is historically significant;
- the level of traffic in the village is causing environmental concerns;
- smaller housing is required;
- submitted documentation indicates that a different number of dwellings are to be constructed;
- would not be in accordance with the development plan;
- dwellings are not in keeping with the area;
- impact upon residential amenities;
- unacceptable density;
- impacts upon ecology;
- concerns regarding drainage and flooding;
- should be treated as an extension to the existing site and not as a standalone application;
- trees and hedgerows would be lost.

Two letters of support has been received raising the following matters:

- suitable site given the need for additional housing;
- no other obvious use and will just become increasingly overgrown and derelict;
- in view of recent building in Ravenstone, the addition of six houses will make little difference.

### 5. Relevant Planning Policy

#### National Policies

##### *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 14 (Presumption in favour of sustainable development)
- Paragraph 17 (Core planning principles)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 34 (Promoting sustainable transport)
- Paragraph 47 (Delivering a wide choice of high quality homes)
- Paragraph 49 (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 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 118 (Conserving and enhancing the natural environment)  
Paragraph 123 (Conserving and enhancing the natural environment)  
Paragraph 129 (Conserving and enhancing the natural environment)  
Paragraph 132 (Conserving and enhancing the natural environment)  
Paragraph 133 (Conserving and enhancing the natural environment)  
Paragraph 134 (Conserving and enhancing the natural environment)  
Paragraph 173 (Ensuring viability and delivery)  
Paragraph 203 (Planning conditions and obligations)  
Paragraph 204 (Planning conditions and obligations)

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

The application site is located within 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 S2 - Limits to Development  
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 T3 - Highway Standards  
Policy T8 - Parking  
Policy H4/1 - Housing Land Release  
Policy H6 - Housing Density  
Policy H7 - Housing Design  
Policy H8 - Affordable Housing

### **Other Policies**

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

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

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

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

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

#### **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.

#### **Emerging 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 policies listed below are considered relevant in the determination of 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
- S2 - Future housing and economic development needs
- S3 - Settlement Hierarchy
- S5 - Design of new development
- H6 - House types and mix
- IF7 - Parking provision and new development

### **Planning (Listed Buildings and Conservation Areas) Act 1990**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

## **6. Assessment**

### **Principle and Sustainability**

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

In terms of the adopted North West Local Plan, the site is located within the limits to development where the principle of residential development is normally considered to be acceptable. The Inspector's decision concerning the recent Greenhill Road appeal sets out that the Authority is currently unable to demonstrate a five year supply of housing land. This means that "saved" adopted Local Plan policies that are concerned with housing supply, such as H4/1, must be considered to be out of date, and accordingly 'weight' should not be afforded to them when determining planning applications. The NPPF includes a clear presumption in favour of sustainable development, which taken together with the current inability to demonstrate a five year supply, indicate that planning permission for new homes should normally be granted.

The sustainability credentials of the scheme also need to be assessed against the NPPF. The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. Ravenstone provides a good range of day to day facilities including a primary school, general store, village/community hall, recreational facilities and public house. There is also a reasonable level of public transport; the Arriva 9A service provides an hourly service Monday to Friday from 0705 to 1830 and a Saturday service from 0720 to 1830 between Burton upon Trent and Coalville. Taking these matters into account, it is considered that the site would be located within a sustainable area.

The site has greenfield status and, in this regard, it is accepted that the site does not perform well. However, this issue needs to be considered in the context of the need to demonstrate and maintain a five year housing land supply in the District, and the need for sites to be released to



meet this need. Given the need to provide additional areas of housing land within North West Leicestershire, it is considered inevitable that greenfield land will need to be released in order to provide and maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan.

Given that the proposal would relate to the erection of only six dwellings it is not considered that the proposal would be out of scale with the character of Ravenstone or result in unacceptable cumulative impacts with other development.

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

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

Access to the site would be from Church Lane by utilising the access point which was approved as part of planning application 14/00051/FULM. Objections have been received from surrounding neighbours regarding the highway safety issues arising from the proposed development including at nearby junctions.

In relation to these concerns, the County Highway Authority has been consulted and has considered, amongst other things, issues such as visibility, width of existing and proposed access, parking, accident records in the surrounding area, traffic calming and the volume of traffic. Having considered all of the relevant issues the County Highway Authority raises no objection subject to the inclusion of relevant conditions. The proposed conditions include for car parking and turning to be provided and for a construction traffic/site traffic management plan.

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

In terms of car parking on the site, the scheme would provide two spaces per dwelling plus garage spaces. It is clear that the level of car parking is over and above the required level of 1.5 spaces per dwelling in the Local Plan. Whilst this level of car parking is over and above the level required by the Local Plan, it is noted the County Highway Authority raises no objections to the level of car parking and the Council's Urban Designer raises no objection to the design of the car parking spaces across the scheme. On this basis, the level of car parking is considered to be acceptable.

The concerns of neighbouring residents in relation to highway safety are recognised. However, the County Highway Authority has no objections to the proposed development subject to relevant highway conditions. Therefore, it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan or the advice in the NPPF.

### **Impact upon Trees**

The proposal would result in the loss of some trees on the site although none of these trees are subject to tree preservation orders. The application is accompanied by an arboricultural report and this includes individual assessments of nine separate trees/group of trees on the site. Of these, no retention category A trees would be lost although a group of category B trees would need to be felled to allow development to proceed on the site. The Council's Tree Officer has

considered the loss of these trees and the protection of the remaining trees which is detailed in the arboricultural report. The Council's Tree Officer comments that a suitable tree protection plan, removal plan, access facilitation pruning and no-dig-drive construction have been specified and raises no objection to the proposal subject to the works taking place in accordance with these details.

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

### **Density**

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

With a site area of 0.34 hectares, the proposal would have a density of 17 dwellings per hectare. Whilst the density is low in relation to Local Plan Policy H6, it is considered appropriate in this instance in view of the existing lower density that can be found in the surrounding Conservation Area and as the proposed scheme would have an acceptable layout. In coming to this conclusion it is noted that the Council's Urban Designer and Council's Conservation Officer has no objections to the proposed development. Therefore, the scheme is considered to be acceptable in relation to the advice contained in Policy H6 of the Local Plan and the advice in the NPPF.

### **Housing Mix**

In addition to affordable housing (defined as including social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market), the NPPF also provides in Paragraph 50 that Local Planning Authorities should "plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)". The scheme proposes for solely 4 and 5 bed detached properties which, in itself, is not considered to be an ideal housing mix. However, the Local Planning Authority are considering this application as an extension to the existing residential scheme approved under 14/00051/FULM which provided for a wider housing mix on the site and included for 3, 4 and 5 bed detached, semi-detached and terraced dwellings. Therefore, taking this into account the overall housing mix on the site is deemed to be acceptable and the scheme is considered to comply with the advice contained in the NPPF.

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

The need for good design in new residential development is outlined not only in Local Plan Policy H7, but also paragraphs 57, 60 and 61 of the NPPF, with paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy E4 requires new development to respect the character of its surroundings. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area and Section 66 in relation to Listed Buildings requires special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The previous scheme on the site was subject to extensive discussions and negotiations with the District Council's Urban Designer and Conservation Officer both at the pre-application advice stage and during the course of the application. The discussions resulted in a scheme which included bespoke house types throughout, drawing upon the positive characteristics of built development in the surrounding Conservation Area. Appropriate materials such as bricks, timber windows, clay plain tiles and stone cills and heads were detailed. It was concluded that the previous scheme would have an acceptable impact on the Conservation Area and was deemed to be acceptable in relation to the advice contained in the NPPF with regard to design and impact upon heritage assets. The current proposal would form an extension to the existing site and would be developed with similar house types and materials that have previously been deemed to be acceptable. The Council's Conservation Officer does not consider that the scheme would be unduly visible from outside the site itself and the impact upon the setting of the nearby Listed Building (No.7 Main Street) would be no greater than the previously approved scheme.

In terms of design and heritage issues, therefore, it is considered that the proposed dwellings, subject to suitable conditions, are appropriate in this area and would not detract from the character and appearance of the Conservation Area and would preserve the setting of the nearby Listed Building. The requirements of Local Plan Policies E4, H7, the advice contained in the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are considered to be met by the scheme.

### **Residential Amenity**

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

Plots 4 and 5 would be positioned to the rear of 9 and 11 Main Street. These dwellings along Main Street would still benefit from rear gardens measuring at least 30 metres and, on this basis, it is not considered that the proposal would result in any significant overlooking, overbearing or overshadowing impacts.

The rear gardens of semi-detached properties located off Ravenslea are located to the southern boundary of the application site. Plots 5 and 6 would be two storeys in height and would be located in close proximity to the southern boundary of the site. The side elevations of these proposed dwellings, which do not contain any habitable windows, would be located at least 18 metres away from the rear elevations of properties along Ravenslea. This distance is considered to represent an acceptable relationship in terms of the impact upon the existing dwellinghouses. There would be some overbearing impacts upon the rear section of these gardens given that the proposed properties are two storeys in height and are located in close proximity to the boundary. However, the impacts are not considered significant when having regard to the orientation and the overall length of the rear gardens belonging to properties off Ravenslea (which are typically 15-21 metres in length).

Acceptable relationships would exist between the properties proposed as part of this application and the 27 properties previously approved under 14/00051/FULM.

It is considered that construction noise is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be

exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance as the Environmental Services Manager raises no issues to the development in this regard, it is not considered necessary.

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

### **Ecology**

The County Ecologist has no objections in principle to this application and considers that the ecology survey is satisfactory. The submitted layout is deemed to be acceptable as it retains the main feature of ecological interest which is the group of mature trees at the north east end of the site.

The ecological report submitted investigated the buildings on the site for the suitability of bats and no evidence was found. However, the County Ecologist has requested that a further bat survey be undertaken in respect of the barn/stable building which would be demolished on the site. As planning permission would not be required in itself for the demolition of this building, this request is not considered to be reasonable. However, informatives can be attached to make the applicant aware of the legal requirements relating to protected species.

### **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.

A scheme for six dwellings would not normally require developer contributions to be submitted. However, the Local Planning Authority is not dealing with this development as a stand-alone application and are treating it as an extension to the existing site. Therefore, additional contributions have been requested and these are listed below.

#### *Affordable Housing*

The Council's Affordable Housing Officer comments that the scheme should provide for 30% affordable housing within the site (which would equate to 2 dwellings). The Council's preferred approach is for this agreed provision to be made on site. Where a developer considers that there are exceptional circumstances why on site provision is not appropriate then an off site commuted sum can be paid in lieu of on site provision. Should an off-site commuted sum be paid on this site then it should be in the region of £80,000.

#### *Transportation Contributions*

The County Highway Authority has requested the following developer contributions, required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).

- 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £325.00 per pass - NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
- Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop.
- Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display.
- Contribution towards equipping the nearest suitable bus route with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift. At a total of £2920.00.

#### *Education*

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

#### Primary School Requirements:

The site falls within the catchment area of Woodstone Community Primary School. The School has a number on roll of 210 and 257 pupils are projected on the roll should this development proceed; a deficit of 47 places.

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

Hugglescote Community Primary School Deficit 49

All Saints Church of England Primary School Coalville Deficit 89

The overall deficit including all schools within a two mile walking distance of the development is 157 places. The 2 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 2 pupil places in the primary sector is justified.

In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of £17,422.57 which would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Woodstone Community Primary School.

#### High School Requirements:

The site falls within the catchment area of Ibstock Community College. The College has a net capacity of 705 and 875 pupils are projected on roll should this development proceed; a deficit of 170 pupil places. A total of 202 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be discounted. This reduced the total deficit for this school and creates a surplus of 32 pupil places.

There is one other high school within a three mile walking distance of this development (newbridge High School). However, this school has a total deficit of 32 places and, therefore,

the school is unable to accommodate any pupils from this development.

On this basis, the County Council is not requesting a contribution in respect of the High School sector.

**Upper School Requirements:**

This site falls within the catchment area of Ashby School. The School has a net capacity of 1841 and 2065 pupils are projected on roll should this development proceed; a deficit of 224 pupil places. A total of 120 pupil places are being funded at this school from S106 agreements for other developments in this area which need to be discounted and reduces the total deficit for this school to 104 pupil places (of which 103 are existing and 1 is created by this development). There are no other upper schools within a three mile walking distance of the site.

In order to provide the additional upper school places anticipated by the proposed development the County Council would request a contribution for the upper school sector of £11,013.10 which would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ashby School.

*Civic Amenity*

A contribution of £392 is proposed to be made by the developer for Civic Amenity facilities in accordance with the requirements of Leicestershire County Council.

*National Forest Planting*

The National Forest Company request a financial contribution of £1360 given that no woodland planting or landscaping is proposed on site.

**Conclusions in respect of Developer Contributions**

The following requests have been made:

National Forest Company	£1360
Education	£28,435
Civic Amenity	£392
County Highway Authority	£13,897
Affordable Housing	£80,000
<b>Total</b>	<b>£124,084</b>

The total figure requested by the County Highway Authority is not considered to meet the tests for obligations as it includes contributions towards bus stop improvements which have already been secured by planning permission 14/00051/FULM. However, contributions in relation to travel placks and bus passes for the additional dwellings are considered to be necessary and these contributions would total £4517.

The application is accompanied by a viability assessment. This viability report indicates that the scheme would not be viable with the inclusion of affordable housing (either on-site or off-site) and that it would only be able to provide a sum of £34,704 towards developer contributions. The submitted viability report indicates that the viability issues on the site arise from Conservation Area design enhancements, additional foundation costs due to the presence of trees, tree surgery and site clearance works. The DV is satisfied that the scheme is not viable with the full range of developer contributions proposed and that the offer put forward by the developer is reasonable in viability terms.

However, it is still considered necessary to consider whether a scheme without affordable housing would represent sustainable development. Paragraph 7 of the NPPF provides support for the social role of planning. It states the following: "a social role - supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being".

It is clear that this development would not be able to provide for the amount of relevant social infrastructure that would be required for a development of this size. Letters of objection have been received from surrounding neighbours and Ravenstone Parish Council regarding this matter and it is, therefore, considered to be of some importance in the locality. Therefore, in terms of the social strands of sustainable development the scheme is considered to score poorly and this would weigh against the scheme. However, this would need to be considered in the balance alongside the positive aspects of the development (see conclusion below).

Clearly the absence of an affordable housing contribution would fail to comply with the provisions of the District Council's Affordable Housing SPD which seeks to secure a minimum 30% contribution from new housing development in the Ravenstone area. In terms of the impacts of the non-provision of affordable housing, this was assessed in more detail when the Priorities for Developer Financial Contributions for infrastructure provision relating to Major Residential Development Proposals in and around Coalville policy was introduced. A significant housing need already exists within the District. A lack of affordable housing in the District would be likely to impact upon some of the most vulnerable people within the District and has the potential to increase the number of homelessness cases. However, this needs to be balanced against the Government's support for Local Planning Authorities taking a proportionate approach to developer contributions and viability (and as indicated in Paragraph 173 of the NPPF) so as to enable development to come forward to meet market (if not affordable) housing needs, and the need to consider the potentially harmful impact on other service areas were the shortfall in viability to be addressed by way of reductions in contributions to other areas of infrastructure.

As set out above, the NPPF contains a presumption in favour of sustainable development, the dimensions of which include a social dimension, with the planning system's role being to support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations. It is considered that, in this sense, the scheme would not perform well. On balance, however, given that the applicants have been able to demonstrate to the District Valuer's satisfaction that no affordable housing contribution could be provided from a viability point of view, and that contributions are being made to all other service areas, it is considered that the omission of affordable housing would not be unacceptable in this case, and when balanced against all other viability considerations and other aspects of sustainable development.

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

#### **Other**

In terms of neighbour objections which have not already been addressed, some of the submitted reports refer to a different number of dwellings to that which has been applied for. However, it is clear from the application that six dwellings are proposed and no statutory

consultees have indicated that revised reports are required.

### **Conclusion**

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

The proposed development would be acceptable in terms of the residential amenities of existing and future occupiers, and would provide for an appropriate form of design that would be in keeping with the locality and would have an acceptable relationship with the Conservation Area. The proposal would be acceptable in relation to highway safety, subject to appropriate planning conditions. The scheme would not result in significant impacts upon protected species, trees and flood risk issues.

A viability appraisal has been submitted by the applicants to demonstrate that the scheme would not be viable with affordable housing requirements. The reasons for this are given in the viability appraisal and include Conservation Area design enhancements, additional foundation costs due to the presence of trees, tree surgery and site clearance works. This has been independently assessed by the District Valuer and they confirm that a reduced level of developer contributions would be acceptable in this instance.

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

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

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

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

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

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

Drawing No. MA1/002B deposited with the Local Planning Authority on 9 October 2015;  
Drawing No. MA1/001 deposited with the Local Planning Authority on 25 March 2015;  
Drawing No. MA1/003/1 deposited with the Local Planning Authority on 25 March 2015;  
Drawing No. MA1/003 deposited with the Local Planning Authority on 25 March 2015;



Drawing No. MA1/003/2 deposited with the Local Planning Authority on 25 March 2015;  
Drawing No. MA1/004 deposited with the Local Planning Authority on 25 March 2015;  
Drawing No. MA1/004/1 deposited with the Local Planning Authority on 25 March 2015;  
Drawing No. MA1/004/2 deposited with the Local Planning Authority on 25 March 2015;  
Drawing No. MA1/005 deposited with the Local Planning Authority on 25 March 2015;  
Drawing No. MA1/006 deposited with the Local Planning Authority on 25 March 2015;  
Drawing No. MA1/007/1 deposited with the Local Planning Authority on 25 March 2015;  
Drawing No. MA1/007 deposited with the Local Planning Authority on 25 March 2015;  
Drawing No. MA1/007/2 deposited with the Local Planning Authority on 25 March 2015;  
Drawing No. MA1/008 deposited with the Local Planning Authority on 25 March 2015;  
Drawing No. MA1/009 deposited with the Local Planning Authority on 25 March 2015;  
Drawing No. MA1/010 deposited with the Local Planning Authority on 25 March 2015;  
Drawing No. 12-489-1C deposited with the Local Planning Authority on 25 March 2015.

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

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

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

- 4 Notwithstanding the submitted plans, nor Condition 2 above, no dwelling shall be erected above damp proof course until details/samples (as appropriate) of the:-
- i. sample panel of the bricks, brick bond, and mortar
  - ii. stone and render
  - iii. roofing materials
  - iv. rain water goods
  - v. windows and doors (including heads and cills)
  - vi. porches and door surrounds
  - vii. chimneys
  - viii. eaves and verges

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

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

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

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

- 6 No dwelling shall be erected above damp proof course until such time as a landscaping scheme has been submitted to and agreed in writing with the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The scheme shall have particular regard to the treatment of the site boundaries.

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

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

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

- 8 The tree removal, access facilitation pruning and no-dig drive construction scheme shall be carried out in accordance with the details contained within the submitted Tree Survey and Arboricultural Impact Report (dated 7 October 2015 - Version 2), unless otherwise agreed in writing with the Local Planning Authority.

*Reason - To determine the scope of this permission and to ensure that the works have an acceptable impact upon existing trees on the site.*

- 9 No work shall commence on site until such time as the tree protection measures detailed in the submitted Tree Survey and Arboricultural Impact Report (dated 7 October 2015 - Version 2) have been provided in full, unless otherwise agreed in writing with the Local Planning Authority.

*Reason - To determine the scope of this permission and to ensure that the works have an acceptable impact upon existing trees on the site.*

- 10 The development hereby permitted shall be carried out in accordance with the levels shown on drawing nos. MAI/002B (Site Layout Plan) (when read in conjunction with the existing levels shown on drawing no's. 12-489-1C).

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

- 11 Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), none of the dwellings hereby approved shall be enlarged, improved or altered, nor shall any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses be provided unless planning permission has first been granted by the Local Planning Authority.

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

- 12 The window units serving the following:

- (a) first floor side elevations of Plot 1 and 5 (en-suite);
- (b) first floor side elevation of Plot 4 (landing);
- (c) first floor side elevation of Plot 3 and 6 (both en-suites).

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

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

- 13 No development shall take place at any time other than in accordance with the agreed Written Scheme of Investigation (Ref: 1588). None of the dwellings shall be occupied until such time as the site investigation and post investigation assessment has been completed in accordance with the programme set out in the agreed Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

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

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

- 15 The car parking and turning facilities shown on drawing No. MA1/002 shall be provided before any dwelling is occupied and shall thereafter permanently remain available for car parking and turning.

*Reason - To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.*

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

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

### **Notes to applicant**

- 1 Your attention is drawn to the comments of the County Footpath Officer dated 01 April 2015 08:29.

- 2 Bats are a rare and declining group of species. Hence, all British species of bat and bat roosts are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats &c.) Regulations 1994 making it an offence to intentionally kill or injure or disturb these species whilst in a place of shelter or protection or disturb bat roosts. If bats or bat roosts are discovered during work on the development, the relevant work should be halted immediately and Natural England (Tel. 0845 601 4523) should be notified and further advice sought. Failure to comply with this advice may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000 or to imprisonment for a term not exceeding six months, or both.
- 3 Your attention is drawn to the comments of the Council's Recycling Officer dated 17 July 2015 11:11.
- 4 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.
- 5 A Section 106 agreement would be required in order to make the development acceptable and would need to include the following:
- National Forest Company £1360
  - Education £28,435
  - Civic Amenity £392
  - County Highway Authority - travel packs (£52.85 per pack) and Bus Passes (£325 per pass) for 6 properties.
  - Review of the viability of the scheme within a certain period
- 6 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.