

Residential development of up to 34 dwellings (outline with details of part access included)

Report Item No
A3

Land South Of The Green Donington Le Heath Coalville
Leicestershire LE67 2GE

Application Reference
15/00951/OUTM

Applicant:
Wrenbury Properties Ltd

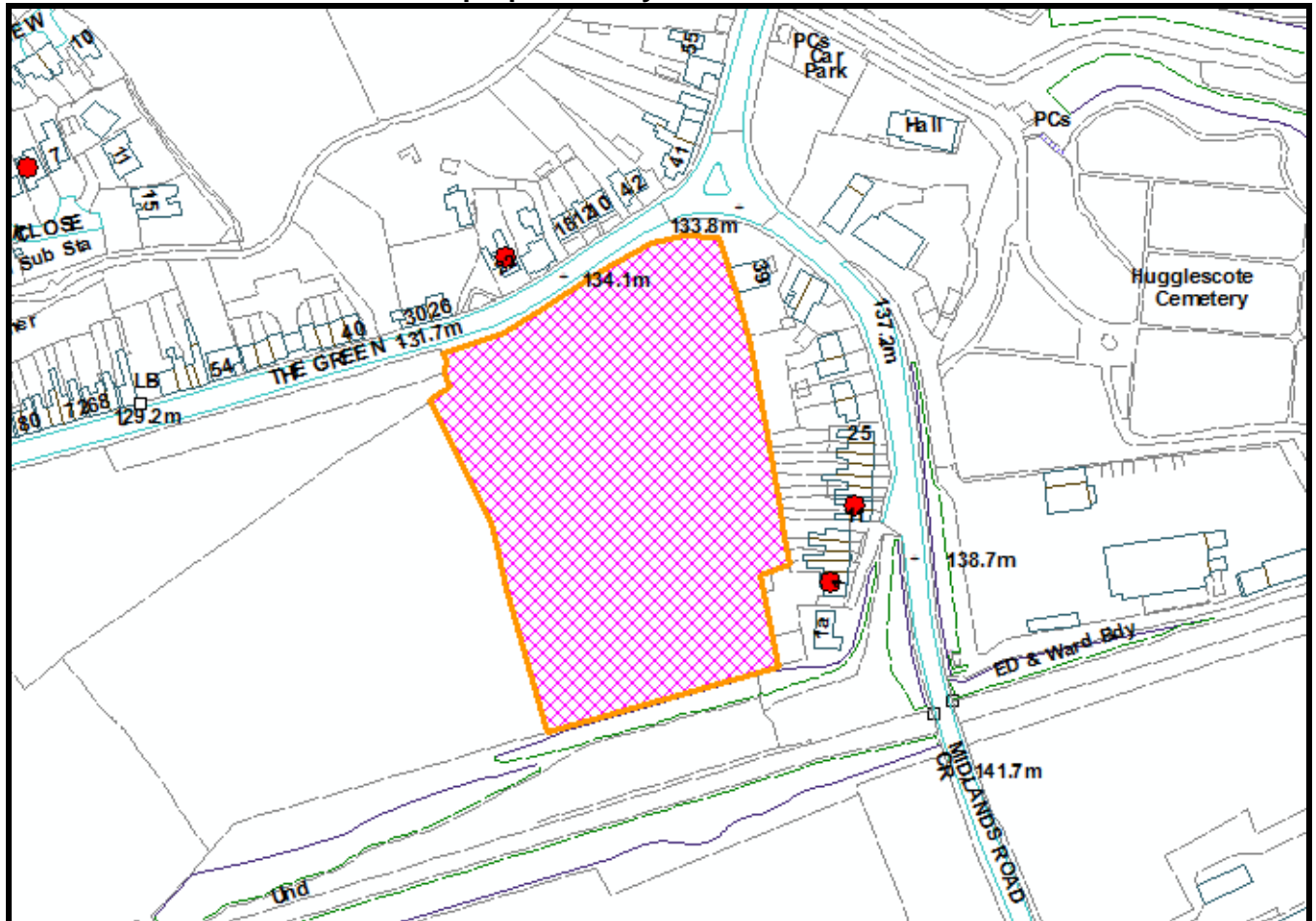
Date Registered
7 October 2015

Case Officer:
James Mattley

Target Decision Date
6 January 2016

Recommendation:
PERMIT Subject to a Section 106 Agreement

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 Johnson on the grounds that it is not in the public interest, highway safety matters and because the site is in an area of separation.

Proposal

Planning permission is sought for a residential development of up to 34 dwellings (outline with details of part access included) on land to the south of The Green, Donington Le Heath. The application site which measures some 1.49 hectares is located outside the Limits to Development and in an area of separation.

Consultations

A total of 26 representations have been received opposing the development and the Parish Council object to the development. All other remaining statutory consultees have raised no objections subject to the imposition of conditions on any consent granted.

Planning Policy

The application site lies outside Limits to Development and in an area of separation as defined in the adopted North West Leicestershire Local Plan. The site also lies outside of the Limits to Development in the publication version North West Leicestershire Local Plan. Also material to the determination of the application, however, is the supply of housing in the context of the National Planning Policy Framework (NPPF) and whether the scheme represents sustainable development.

Conclusion

The application site lies outside Limits to Development and in an area of separation as defined in the adopted Local Plan. The site is outside of the Limits to Development in the publication version Local Plan but not in any area of separation. Having regard to the three dimensions of sustainable development, it is accepted that the development has the potential to make a positive contribution to both the economic and social strands of sustainable development. In terms of the environmental strand of sustainable development, the site would result in the loss of a Greenfield site and the previous landscape and visual impacts arising from the scheme have been addressed and there are no significant impacts in respect of ecology, heritage, flooding, drainage and agricultural land. When having regard to all of these issues, it is not considered that any environmental harm which would arise would be so severe that it would significantly and demonstrably outweigh the benefits associated with the development. On this basis it is considered that the scheme would represent sustainable development and, therefore, the proposal is considered to be acceptable.

At the reserved matters stage it would be possible to site up to 34 dwellings within the site that would be acceptable in terms of the residential amenities of existing and future occupiers and that could provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety subject to appropriate planning conditions. There are no other relevant material planning considerations that indicate planning permission should not be granted.

Therefore, it is recommended that the application be permitted subject to conditions and subject to a Section 106 agreement.

RECOMMENDATION - PERMIT, subject to conditions and subject to 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

Outline planning permission is sought for a residential development of up to 34 dwellings on land to the south of The Green, Donington Le Heath. All matters other than part access from The Green are reserved for subsequent approval. The application site, which measures 1.49 hectares, is located outside of the limits to development and in an area of separation.

The scheme when it was originally submitted was for 45 dwellings but has now been reduced to a maximum of 34 dwellings. Whilst all matters other than part access are reserved for subsequent approval, an illustrative masterplan has been submitted showing the proposed dwellings, together with public open space and landscaping.

The application is accompanied by a design and access statement, geotechnical desk study, travel plan, transport statement, landscape and visual appraisal, flood risk assessment, ecology report, tree survey and planning statement.

The application has been 'called in' by Councillor Johnson on the grounds that it is not in the public interest, highway safety matters and because the site is in an area of separation.

No relevant planning history found.

2. Publicity

34 no neighbours have been notified (date of last notification 24 February 2016)

Site Notice displayed 14 October 2015

Press Notice published 21 October 2015

3. Consultations

Hugglescote & Donington Le Heath PC consulted 9 October 2015

County Highway Authority consulted 23 February 2016

Manager Of Housing North West Leicestershire District Council consulted 4 February 2016

LCC ecology consulted 4 February 2016

NWLDC Urban Designer consulted 4 February 2016

LCC Development Contributions consulted 27 April 2016

Environment Agency consulted 27 April 2016

County Archaeologist consulted 27 April 2016

National Forest Company consulted 27 April 2016

Manager Of Housing North West Leicestershire District Council consulted 27 April 2016

Head Of Street Management North West Leicestershire District consulted 27 April 2016

NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 27 April 2016

Severn Trent Water Limited consulted 27 April 2016

Natural England- Within 2k Of SSSI consulted 27 April 2016

Police Architectural Liaison Officer consulted 27 April 2016

Head of Environmental Protection consulted 27 April 2016

Head Of Leisure And Culture consulted 27 April 2016

LCC Flood Management consulted 27 April 2016

NWLDC Tree Officer consulted 27 April 2016

4. Summary of Representations Received Statutory Consultees

Hugglescote and Donington Le Heath Parish Council objects to the application on the following grounds:

- Site is located outside of the limits to development;
- The parish is becoming over-developed;
- An extensive offsite drainage network is required as there are no surface water sewers in the vicinity of the site;
- Highway safety concerns regarding visibility, speed of traffic and on-street car parking;
- Countryside would be severely affected;
- Existing parking along The Green is not always considerate.

Environment Agency has no comment to make on the application.

Lead Local Flood Authority raises no objection subject to the imposition of conditions.

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

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

Leicestershire County Council Highway Authority raises no objection subject to the imposition of conditions.

Leicestershire County Council Library Services Development Manager requests a contribution of £970.

Leicestershire County Council Local Education Authority requests a contribution of £164,198.28.

Leicestershire County Council Civic Amenity requests a contribution of £2,288.

National Forest Company has no objection subject to the National Forest Planting being secured and managed through a legal agreement.

Natural England has no comments to make.

North West Leicestershire District Council Contaminated Land Officer has no objections subject to conditions.

North West Leicestershire District Council Environmental Health Officer (EHO) has no objections subject to conditions.

Severn Trent Water has not responded at the time of writing this report. Any comments received shall be included within the Update Sheet.

Third party representations

27 letters of representation have been received raising the following comments/objections:

- separation distances on the illustrative masterplan are unacceptable;
- a total of 45 dwellings is too many and there should be a reduced number of dwellings on the site;
- access arrangements are unsuitable due to speed of traffic and on-street car parking along The Green;
- application is outside the limits to development;
- there is already a sufficient supply of housing in the district;
- proposal could result in additional yellow lines along The Green which would prevent existing residents parking;
- flood risk and drainage concerns;
- there is an existing accident record on the road;
- impact upon existing infrastructure;
- increased traffic and noise;
- impact upon archaeology;
- density of development is unacceptable;
- site is located within a Sensitive Area as defined by the local plan and the proposal would result in development getting closer to Ellistown;
- impact upon the visual amenity of the area;
- land was formerly allotments and should be protected;
- scheme should include for car parking for existing residents.

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 adopted 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 28 (Supporting a prosperous rural economy)

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 109 (Conserving and enhancing the natural environment)

Paragraph 112 (Conserving and enhancing the natural environment)
Paragraph 118 (Conserving and enhancing the natural environment)
Paragraph 123 (Conserving and enhancing the natural environment)
Paragraph 124 (Conserving and enhancing the natural 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 Limits to Development as defined in the adopted Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy E21 - Separation of Settlements
Policy F1 - National Forest General Policy
Policy F2 - National Forest Tree Planting
Policy F3 - National Forest Landscaping and Planting
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
Policy L21 - Children's Play Areas

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Greater Coalville Area.

Key Principle AH3 requires a minimum of 20% of residential units to be available as affordable housing within the Greater Coalville area.

North West Leicestershire District Council Play Area Design Guidance SPG

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

Publication Version North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28th June 2016 with a view to its submission for examination in September 2016. Given the advanced stage that has now been reached it is considered that weight can be attached to the following policies:

S1 - Future housing and economic development needs
S2 - Settlement Hierarchy

S3 - Countryside
D1 - Design of new development
D2 - Amenity
H4 - Affordable Housing
IF1 - Development and Infrastructure
IF4 - Transport Infrastructure and new development
IF7 - Parking provision and new development
En1 - Nature Conservation
En3 - The National Forest
Cc2 - Flood risk
Cc3 - Sustainable Drainage Systems

6. Assessment

Principle of Development

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)).

The application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan or Policy S3 of the publication version Local Plan. The site is also within an area of separation as defined by Policy E21 of the adopted Local Plan although it is noted that this designation would not be carried forward as part of the publication version Local Plan. Whilst the publication version Local Plan proposes a new Areas of Separation policy, this would not be applicable to any of the areas identified under Policy E21 of the adopted Local Plan.

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Council is able to demonstrate a five year supply of housing (with 20% buffer) against the requirement contained in the publication version Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given as to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

Donington Le Heath is located within the Greater Coalville area which benefits from a range of public services and facilities that could contribute to reducing future occupants of the dwelling's reliance on the private car.

Having regard to the three dimensions of sustainable development, it is accepted that the development has the potential to make a positive contribution to the economic dimension by virtue of the growth associated with the proposed development. Socially the development would benefit from the provision of up to 34 dwellings which would include for a minimum of 20% affordable properties which would contribute to the housing needs of different groups within the community. Subject to the inclusion of appropriate contributions to local services as detailed below and the inclusion of affordable housing, the scheme has the potential to positively contribute in terms of the economic and social dimensions of sustainable development.

However, from an environmental sustainability point of view it is noted that the site is located outside the Limits to Development in both the adopted and publication version Local Plans, both of which seek to resist residential development on greenfield sites in the countryside. These policies are considered to be supported by the principles of Paragraphs 17 and 109 of the NPPF, and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

The land is also subject to Policy E21 in the adopted Local Plan which seeks to ensure that adjoining settlements Hugglescote and Ellistown remain as two separate and distinct settlements. This policy states that development will not be permitted which would result in a reduction in the physical separation between the built-up areas of adjoining settlements. Whilst no such specific policy is proposed as part of the publication version Local Plan, Policy S3 of the publication version Local Plan does allow some forms of development (not including residential) where 'it does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries'. In terms of compliance with the adopted and publication version Local Plans, the scheme would not be in accordance with adopted Local Plan Policies E21 and S3. However, it is reasonable to have regard to the specific impacts of developing the site and whether this would result in a physical or perceived reduction in the separation between Donington Le Heath and Ellistown. A former railway line is located on the southern boundary and this forms a defensible boundary between further encroachment between Donington Le Heath and Ellistown. Such a strong defensible boundary is not located on the western boundary of the site and it is noted that the land further to the west is also currently located within the area of separation. When having regard to these impacts, it is considered that they would not be so severe as to warrant refusal of the application on this basis alone, but would count against the scheme in the overall planning balance.

In terms of any built development being proposed, the landscape and visual impacts are considered in more detail below, although the existing site makes a positive contribution to the character and appearance of the countryside and the surrounding landscape. Concern was expressed regarding the originally submitted and originally amended scheme as it was considered that the development would result in a significant physical intrusion into the rural environment and would not be in keeping with the character and appearance of the surrounding area. However, since this time the scheme has been amended further and now only a total of 34 dwellings are proposed on the site (a reduction in 11 dwellings in comparison to the originally submitted scheme). The established hedgerow which fronts onto The Green would now be retained and this would help to screen the residential development to such an extent that the previous concerns are considered to have been addressed.

The applicants have amended the scheme on two occasions and have sought to reduce the extent of environmental harm arising. On the basis of the matters referred to above, it is considered that any identified environmental harm which would remain would not significantly and demonstrably outweigh the social and economic benefits of the scheme. On balance, the proposal can be considered to represent sustainable development and, therefore, the application is considered to be acceptable in relation to the NPPF.

Detailed Issues

In addition to the principle of development, consideration of other issues relevant to the application is set out in more detail below.

Landscape and Visual Impact

The application is accompanied by a landscape and visual impact assessment (LVIA). The site is not protected by any national landscape designations. The application site covers 1.49 hectares and is a field which was previously used as allotments but which now has been allowed to naturally regenerate with scrub planting. Immediately to the north and east of the site are residential properties. The southern boundary of the site borders the disused railway and there is strong landscaping present in this area. An unmanaged hedgerow with hedgerow trees runs along the western site boundary adjacent to land which lies in open countryside.

The submitted LVIA states that in terms of landscape impacts the proposed development on relatively low ground can be sympathetically accommodated within the existing landscape and will not have a significant adverse effect on the character of the local and wider landscape. This is on the basis that the existing hedgerows and trees are retained as part of the proposed development. With regards to visual effects the LVIA asserts that views of the proposed development will be localised with direct views mainly possible from properties on The Green and Midland Road. It goes on to conclude that it is unlikely that the residential development will be highly visible or viewed as a prominent built feature in the local landscape.

The LVIA states that the proposed development on relatively 'low ground' could be sympathetically accommodated with the retention of the existing landscaping. However, the original illustrative masterplan submitted showed that the dwellings would be constructed on higher ground and that the hedge which fronts the site would be reduced in height along much of its length. It was previously considered that the combination of these issues would have resulted in any development being highly visually prominent from areas along The Green and from Station Road and which would fundamentally and significantly alter the landscape character in the immediate vicinity of the site.

However, since these concerns were raised the applicant's agent has confirmed that the hedge would now be retained at its current height and has removed Plot 1 from the illustrative layout as this would have been highly visible from public vantage points. A number of illustrative sketch images have been provided showing how the proposed development would be viewed given that the existing landscaping would now be retained and these demonstrate that a residential scheme could come forward at the reserved matters stage without having significant visual and landscape impacts.

Means of Access and Transportation

All matters are reserved for subsequent approval except for access (insofar as vehicular access into and out of the site is concerned). The point of access proposed shows the creation of a new vehicular access onto The Green. Whilst the illustrative layout shows internal access roads, these would be a matter for the reserved matters stage(s) (although their impact on the overall potential accessibility and connectivity of the site still ought to be considered).

The application is accompanied by a highway report which concludes that the development would be in a sustainable location and that the development would not materially increase traffic flows on the surrounding highway network and a road safety problem would not be introduced.

The County Highway Authority (CHA) reviewed the highway report and originally raised concerns over the level of on-street car parking along The Green. Further information in respect of tracking of the largest vehicles (such as delivery lorries and recycling lorries) was requested

along with the provision of a new footway from the point of the proposed access to existing footways on the junction of The Green and Station Road.

Following the submission of further tracking information, the CHA now raises no objection to the proposed scheme subject to the inclusion of conditions and legal obligations. The legal obligation would need to secure details of the routeing of construction traffic along with other contributions in respect of public transport.

In conclusion, the County Highway Authority raises no highway safety objections to the proposed scheme subject to the inclusion of relevant conditions and obligations. Taking these matters into account, therefore, the proposed development is considered acceptable in terms of Means of Access and Transportation issues and would comply with Policy T3 in the adopted Local Plan, Policy IF4 in the publication version Local Plan and the advice in the NPPF.

Neighbours' Amenities

The impacts on neighbouring occupiers arising from the proposed development would need to be assessed at the reserved matters stage(s); notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 34 units could not be provided on the site in a manner which would not significantly adversely impact upon neighbours' amenities.

The District Council's Environmental Protection team has no objections and it is not considered that the proposal would result in significant adverse impacts on health or quality of life. Accordingly, the requirements under Policy E3 of the adopted Local Plan and D2 of the publication version Local Plan are considered to have been met by the scheme and the proposal would not conflict with paragraph 123 of the NPPF.

Design

The proposed scheme has been assessed by the District Council's Urban Designer, and rated in accordance with CABE's Building for Life 12 criteria which scores on the basis of red/amber/green. The Council's Urban Designer reviewed the original proposals for up to 45 dwellings and originally had some concerns over the illustrative layout that had been submitted as part of the application. These concerns included issues regarding the amount of development, form of development, distribution of open space and layout of built form.

The applicant submitted a revised layout reducing the overall number of dwellings from 45 to 34 and have also provided additional information which has addressed some of the issues which have been raised. It is accepted that the majority of these issues would need to be fully addressed by reserved matters. Suitable conditions and notes to applicant can be provided to indicate that the design concerns would need to be fully addressed as part of any future reserved matters application(s).

Therefore, whilst the scheme in outline cannot be assessed fully against Building for Life, it is considered that it has been demonstrated that, in principle, an appropriate scheme for up to 34 dwellings could be satisfactorily developed on the site, and would comply with Policy E4 of the adopted Local Plan, Policy D1 of the publication version Local Plan and advice in the NPPF.

Density

Adopted 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 application site area is given as 1.49 hectares and the maximum of 34 dwellings proposed by the developers would therefore equate to a maximum density of 22.8 dwellings per hectare, which would fall short of the requirements set out in Policy H6. However, when considering that parts of the site would be taken up by the creation of landscaping and public open space, the net dwelling density would be higher and more in-line with that stated in Policy H6. It is also recognised that a reduced density would be more appropriate in this edge of settlement location. Therefore, the scheme is considered to have an appropriate density.

Ecology and Trees

The application is supported by an ecological appraisal. The appraisal concludes that there are no statutory designated sites within 1km of the site. However, there are a number of non-statutory designated sites in the vicinity of the site, the closest of which is 190 metres away from the site.

There are trees and hedges on the site boundaries which provide suitable habitat for protected species. The majority of hedgerows and trees are to be retained although there would be some impacts in respect of the access point along The Green. In the event that planning permission were to be granted, conditions could be attached to any planning permission requiring existing trees to be protected.

Leicestershire County Council's ecologist considers that the ecology report is satisfactory and there was no evidence of protected species on site. However, concern was expressed regarding the illustrative masterplan as the land to the south of the site is an important wildlife corridor and should be protected by a buffer zone. Following the submission of an amended plan the concerns of the County Ecologist have been addressed and no objections are raised subject to the inclusion of relevant planning conditions.

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

Flood Risk and Drainage

A Flood Risk Assessment (FRA) and drainage strategy has been submitted in support of the application. The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1, and on this basis the site would appear suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF).

The submitted FRA and drainage strategy indicates that the site is not at risk of significant flooding from surface water runoff from adjacent land or from ground water. The flood risk assessment indicates that surface water discharge to the ground via infiltration should be achievable and that foul water from the proposed development would discharge into the public sewer. In the event that planning permission were granted, conditions would be needed to ensure that detailed and satisfactory surface water and foul drainage schemes are provided on the site.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is

acceptable, and it would be possible to provide for appropriate drainage solutions to accommodate the proposed development. In coming to this conclusion it is noted that the Lead Local Flood Authority raises no objections to the proposed development subject to the inclusion of relevant planning conditions and notes to applicant.

Developer Contributions

The requested developer contributions are listed below.

Affordable Housing

The Council's SPD on affordable housing indicates that for developments of this scale in the Greater Coalville area 20% of the units should be provided as affordable housing (i.e. 7 units, assuming the construction of the maximum 34 dwellings as proposed). In terms of tenure split, the District Council's Affordable Housing Enabler advises that a tenure split of 70% affordable rented and 30% shared ownership would be sought and the District Council's Strategic Housing Team is seeking the following:

Affordable Rented - 5

2 x 1 bed homes

2 x 2 bed homes

1 x 3 bed home

Shared ownership - 2

1 x 2 bed home

1 x 3 bed home

However, it is accepted that the current requirements are likely to change over time, and it is considered appropriate for the Section 106 agreement to secure a minimum of 20% (and including the tenure split suggested above) with the actual contribution in terms of unit types to be agreed by the District Council.

Transportation Contributions

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, reducing car use and highway safety:

- 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) £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.

- Contribution towards equipping the nearest bus stop(s) 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. 3 line display - £5000.00.

The County Highway Authority have also requested that details of the routing of construction traffic be included in the legal agreement. It is understood that the applicants are agreeable to making these contributions

Education

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

Primary School Requirements

The site falls within the catchment area of Hugglescote Community Primary School. The School has a net capacity of 420 and 1012 pupils are projected on the roll should this development proceed; a deficit of 592 pupil places. A total of 533 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 reduces the total deficit for this school to 59 pupil places (of which 50 are existing and 9 are created by this development).

The overall deficit including all schools within a two mile walking distance of the development is 86 pupil places. A total of 615 pupil places have been discounted that are being funded from S106 agreements for other developments in the area. The 9 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 9 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 requests a contribution for the Primary School sector of £101,631.68. This contribution would be used to accommodate the need created by the proposed development by improving, remodelling or enhancing existing facilities at Hugglescote Community Primary School.

High School Requirements

The site falls within the catchment area of Newbridge High School. The School has a net capacity of 590 and 774 pupils are projected on the roll should this development proceed; a deficit of 184 pupil places. A total of 166 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 reduces the total deficit for this school to 18 pupil places.

There are no other high schools within a three mile walking distance of the development. A claim for an education contribution in the high school sector is therefore justified. In order to provide the additional high school places anticipated by the proposed development the County Council requests a contribution for the High School sector of £62,566.60. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Newbridge High School.

Upper School Requirements

The site falls within the catchment area of King Edward VII College. The College has a net capacity of 1193 and 1294 pupils are projected on roll should this development proceed; a deficit of 101 pupil places after taking into account the 4 pupils generated by this development. There are currently no pupil places at this school being funded from S106 agreements for other developments in the area. There is one other upper school within a three mile walking distance of the development which has a surplus of 259 places. There is an overall surplus in this sector after including all upper schools within a three mile walking distance of the development of 158 pupil places. An education contribution is therefore not requested for this sector.

Children's Play Equipment

Under the District Council's Play Area Design Guidance Supplementary Planning Guidance (SPG), on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that 34 dwellings are proposed, this would require a play area of not less than 680 square metres. No on-site children's play area is proposed as part of this proposal and no off-site commuted sum is proposed. The Council's SPG regarding children's play areas specifies that the Council will not seek any additional provision where existing play areas, within 400 metres walking distance, satisfy the needs of the area, including the proposed development.

There would be a distance of less than 400 metres between any part of the proposed site and the existing children's play area on the recreation ground off Station Road and, therefore, this would be considered a reasonable walking distance in accordance with the Council's SPG. The existing children's play area is considered to be of a sufficient size and accommodates a sufficient level of equipment. Therefore, an off-site commuted sum will not be required in this instance.

National Forest Planting

The application site extends to 1.49ha and the National Forest Company's (NFC) Planting Guidelines, as set out in the Guide for Developers and Planners, expects 20% of the site area to be for woodland planting and landscaping. This would equate to 0.3ha in this instance. The NFC welcomes the combination of woodland planting and open space as indicated on the indicative layout plan. In the event that planning permission were to be granted, this would need to be secured by condition or legal obligation.

Subject to the inclusion of relevant conditions and obligations which include, amongst other things, detailed landscaping plans the National Forest Company raise no objection to the proposed development.

Library Services

The proposed development is within 2.1km of Coalville Library and the proposal would impact on local library services in respect of additional pressures on the availability of local library facilities. Therefore, a library contribution of £970 is requested. It is understood that the applicants are agreeable to making these contributions

Civic Amenity

The nearest Civic Amenity Site is located in Coalville. The proposal would impact on this site in respect of additional waste which would not exist but for the proposed development. Therefore, a civic amenity contribution of £2288 is requested. It is understood that the applicants are

agreeable to making these contributions

Other

The County Highway Authority has confirmed that double yellow lines in the vicinity of the site access are not required.

It is understood that the site was formerly used as allotments. The land is privately owned and the allotments do not appear to have been used since at least 2000 and as such, the proposal would not result in the loss of allotment land.

The County Council Archaeologist originally requested the submission of an Archaeological Impact Assessment prior to the determination of the application. Following the submission of this information, the County Council Archaeologist raises no objection subject to the inclusion of relevant planning conditions. Therefore, the scheme is considered to be acceptable in relation to archaeology.

Conclusions

The application site lies outside Limits to Development and in an area of separation as defined in the adopted Local Plan. The site is outside of the Limits to Development in the publication version Local Plan but not in any area of separation. Having regard to the three dimensions of sustainable development, it is accepted that the development has the potential to make a positive contribution to both the economic and social strands of sustainable development. In terms of the environmental strand of sustainable development, the site would result in the loss of a greenfield site, but the previous landscape and visual impacts arising from the scheme have been addressed and there are no significant impacts in respect of ecology, heritage, flooding, drainage and agricultural land. When having regard to all of these issues, it is not considered that any environmental harm which would arise would be so severe that it would significantly and demonstrably outweigh the benefits associated with the development. On this basis it is considered that the scheme would represent sustainable development and, therefore, the proposal is considered to be acceptable.

At the reserved matters stage it would be possible to develop up to 34 dwellings within the site and this would be acceptable in terms of the residential amenities of existing and future occupiers and could provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety subject to appropriate planning conditions. There are no other relevant material planning considerations that indicate planning permission should not be granted.

Therefore, it is recommended that the application be permitted subject to conditions and subject to a Section 106 agreement.

RECOMMENDATION - PERMIT, subject to conditions and subject to a Section 106 legal agreement;

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

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

- 2 Approval of the details of the appearance, layout, access (save for the details of vehicular access into the site from The Green), landscaping and scale (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.

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

- Site Location Plan (40261/001) deposited with the Local Planning Authority on 7 October 2015.

Reason - To determine the scope of this permission.

- 4 A total of no more than 34 dwellings shall be erected.

Reason - To define the scope of this permission.

- 5 No development (except any demolition permitted by this permission) shall commence on site until a Further Risk Based Land Contamination Assessment, as recommended by BSP Consulting report Land south of The Green, Donington Le Heath, Leicestershire Geotechnical & Geo- Environmental Desk Study On behalf of William Builders Ltd Project: 15210 Date 02.10.15, 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); 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, No development shall commence on site until a Remedial Scheme and a Verification Plan is 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; and
- BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings

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.

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

6 Prior to occupation of any part of the completed development, either

1) If no remediation was required by Condition 5 a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development is received and approved in writing by the Planning Authority, or

2) 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.

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

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

- 8 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority.

The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on site 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 and phasing arrangements embodied within the scheme.

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

- 9 No development shall take place until a scheme for foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.

Reason - To protect the water environment by ensuring that there is no risk of pollution due to the increase in foul flows, particularly with regards to any potential adverse impact on the performance of any combined sewer overflows downstream.

- 10 Before first use of the development hereby permitted, visibility splays of 2.4 metres by 43 metres shall be provided at the junction of the access with The Green. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason - To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

- 11 The proposed access shall be provided with a width of a minimum of 5.5 metres for a distance of at least 10 metres behind the highway boundary on The Green.

Reason - To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

- 12 Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre radii on both sides of the access.

Reason - To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway.

- 13 No development shall commence on site until such time as details of a footway from existing footways on The Green to the point of the new access to the development shall be submitted to and agreed in writing with the Local Planning Authority. The footway shall be implemented in full prior to any dwelling being occupied.

Reason - The highway fronting the site has no separate facility for pedestrians and the proposal would lead to an increase in pedestrian movement along the highway. The footway is therefore required for the safety of pedestrians.

- 14 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.

- 15 The gradient of the access into the site shall not exceed 1:12 for the first 10 metres behind the highway boundary.

Reason - To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

- 16 No development shall commence on the site until such time as a programme of archaeological mitigation work, informed by an initial phase of trial trenching and detailed within a Written Scheme(s) of Investigation has first been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions, and:

- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
- The programme for post-investigation assessment;
- Provision to be made for analysis of the site investigation and recording;
- Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- Provision to be made for archive deposition of the analysis and records of the site investigation; and
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

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

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

- 17 No site works of any description shall take place on the site until such time as the existing trees to be retained have been securely fenced off in accordance with a scheme

that has first been submitted to and agreed in writing with the Local Planning Authority. Within the fenced off areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

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

18 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.

Notes to applicant

- 1 Your attention is drawn to the notes to applicant provided by the LLFA in their response dated 16 October 2015.
- 2 A Section 106 legal agreement would be required and would need to include the following matters:

Affordable Housing;
National Forest Planting;
Civic Amenity contribution of £2288;
Education contribution of £164,198.28;
Library contribution of £970;
Construction traffic routeing;
Travel Packs;
Bus Passes;
Improvements to 2 nearest bus stops;
Information display cases at 2 nearest bus stops;
Equipping the nearest bus stops with Real Time Information (RTI)
- 3 Your attention is drawn to the comments from the Council's Recycling Team (dated 3 May 2016 17:58).
- 4 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.