

Residential development of up to 36 dwellings, access,
infrastructure and public open space (outline - details of part
access from Swebstone Road included)

Report Item No
A1

Land North Of Swebstone Road Heather Leicestershire

Application Reference
16/00832/OUTM

Applicant:
Mr Nick Carr

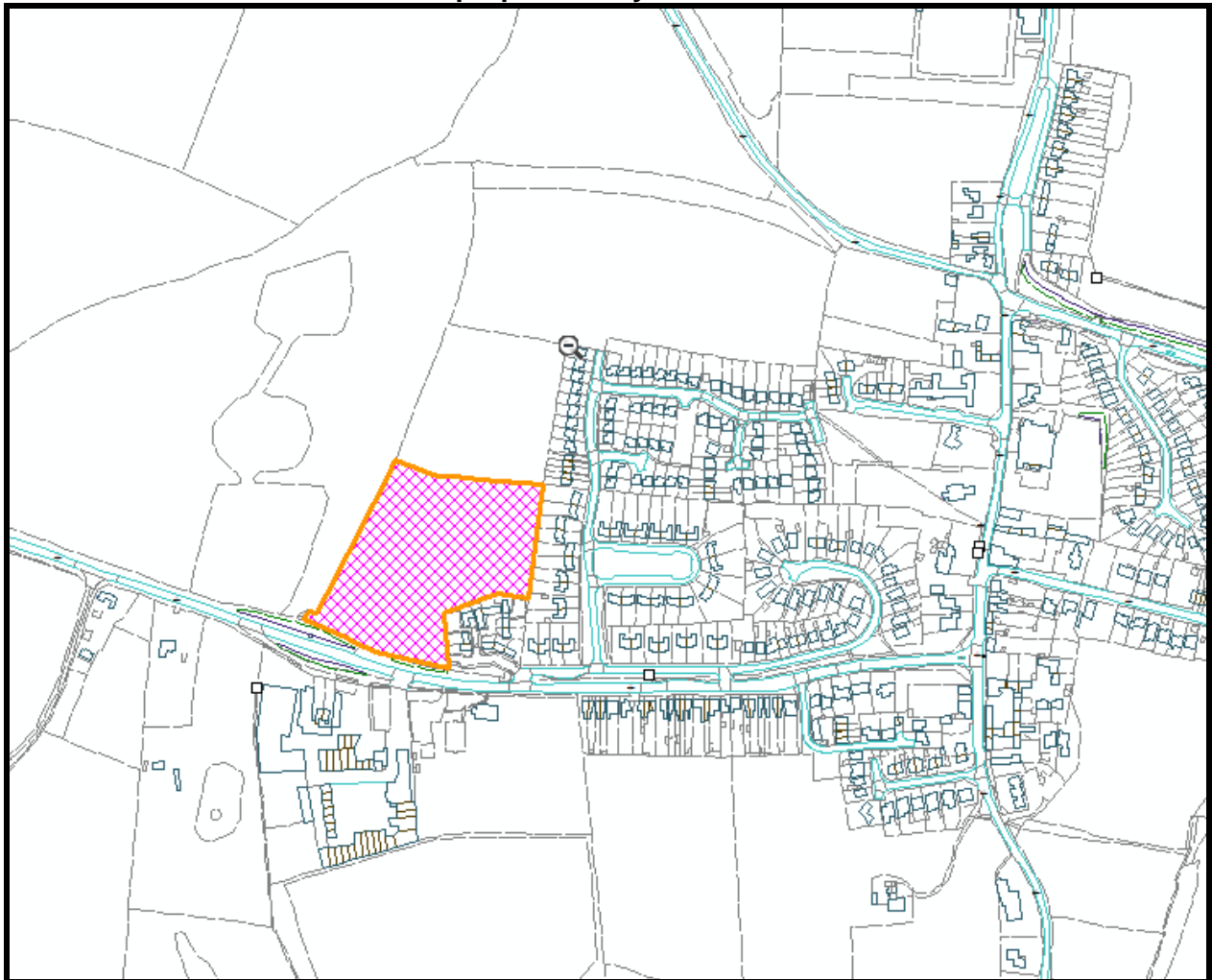
Date Registered
12 July 2016

Case Officer:
Robert McKillop

Target Decision Date
11 October 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 referred to Planning Committee on the grounds of significant public interest.

Proposal

Outline planning permission is sought for residential development of up to 36 dwellings, access, infrastructure and public open space with part access included at land north of Swepstone Road, Heather. The site measures 1.91 hectares and is located immediately west of the existing settlement. The application site is situated outside the defined Limits to Development and is currently utilised for agriculture.

Consultations

A total of 202 representations have been received objecting to the application. Heather Parish Council also objects to the development. All other statutory consultees have raised no objections subject to conditions.

Planning Policy

The application site lies outside the Limits to Development as defined in the adopted and submitted North West Leicestershire Local Plans. The application has also been assessed against the relevant policies in the NPPF and other relevant guidance.

Conclusion

The site is located outside the Limits to Development where the principle of residential development is not normally considered acceptable. However, in this instance, when having regard to the social, economic and environmental impacts, the proposed development is considered to represent sustainable development. On this basis, the principle of development is considered to be acceptable. It is also considered that the site could be developed, at a subsequent reserved matters stage, in a manner which would not appear out of keeping with the character and appearance of the surrounding locality and which would not adversely impact upon residential amenities, highway safety, heritage assets, ecology, archaeology or flooding. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions and the completion of a Section 106 agreement, is considered acceptable for the purposes of the policies referred to in the main report below.

RECOMMENDATION - PERMIT, subject to conditions and the completion of a Section 106 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 residential development of up to 36 dwellings, access, infrastructure and public open space with part access included at land north of Swebstone Road, Heather. The site measures 1.91 hectares and is located immediately west of the existing settlement. The application site is situated outside the defined Limits to Development and is currently utilised for agriculture.

An indicative layout plan, which has been amended from that originally submitted, shows that the proposed vehicular access point would be off Swebstone Road. Dwellings are shown to be positioned in the centre and eastern part of the site, with an attenuation pond and landscaping being provided around the northern and western boundaries.

A design and access statement, heritage statement, Building for Life 12 assessment, soils and agricultural report, flood risk assessment, ecology appraisal, tree survey, transport assessment and draft heads of terms have been submitted in support of the application. Some revisions to this information have been submitted during the course of the application.

No relevant planning history was found.

2. Publicity

78 no neighbours have been notified (date of last notification 13 July 2016)

Press Notice published 20 July 2016

Site Notices posted 20 July '016

3. Consultations

Heather Parish Council consulted 13 July 2016
County Highway Authority consulted 13 July 2016
Severn Trent Water Limited consulted 13 July 2016
Head of Environmental Protection consulted 13 July 2016
NWLDC Tree Officer consulted 13 July 2016
County Archaeologist consulted 13 July 2016
LCC ecology consulted 13 July 2016
NWLDC Conservation Officer consulted 13 July 2016
NWLDC Urban Designer consulted 13 July 2016
National Forest Company consulted 13 July 2016
LCC Development Contributions consulted 13 July 2016
NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 13 July 2016
Head Of Leisure And Culture consulted 13 July 2016
Manager Of Housing North West Leicestershire District Council consulted 13 July 2016
Police Architectural Liaison Officer consulted 13 July 2016
LCC/Footpaths consulted 13 July 2016
NWLDC Footpaths Officer consulted 13 July 2016
LCC Flood Management consulted 13 July 2016
Head Of Street Management North West Leicestershire District consulted 13 July 2016
County Archaeologist consulted 14 November 2016

4. Summary of Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

Heather Parish Council objects to the application on the following grounds: -

- The village school and pre-school are at capacity with a shortage of space and staff which would be detrimental to education provision;
- There is no bus service in Heather and children attending school in Ibstock have to walk or be driven to school. A bus service would allow people to access services in Ibstock more easily although these are also stretched to capacity;
- A further 99 dwellings are proposed in a second phase of development which would significantly increase vehicle movements, contrary to the submitted Highways Report;
- There would be a detrimental impact on the main roads in the village which will be made more dangerous for members of the public;
- More trees should be planted between existing houses for shading;
- The application disregards the submitted Local Plan which states Heather is a sustainable village where limited growth will take place within the limits to development - the site is outside limits and is not "limited development";
- There is concern that the sewerage system could not accommodate this development;
- Occupiers of the development would be close to an industrial estate opposite the site.

Leicestershire County Council - Archaeology has no objections.

Leicestershire County Council - Developer Contributions requests a contribution of £66,078.58 towards the education sector, a contribution of £1,091.00 towards library services and a contribution of £2,354.00 towards civic amenity.

Leicestershire County Council - Ecology has no objections subject to conditions.

Leicestershire County Council - Footpaths has no objections subject to conditions.

Leicestershire County Council - Highways has no objections subject to conditions and contributions.

Leicestershire County Council - Lead Local Flood Authority has no objections subject to conditions.

National Forest Company has no objections subject to adequate woodland planting and landscaping being secured by way of condition.

NHS Leicester, Leicestershire and Rutland no representation received.

NWLDC - Conservation Officer has no objections to the principle of development.

NWLDC - Environmental Protection has no objections subject to conditions.

NWLDC - Footpaths Officer has no objections.

NWLDC - Head of Leisure no representation received.

NWLDC - Street Management has no objections.

NWLDC - Urban Designer has no objections subject to conditions.

Police Architectural Liaison Officer no representation received.

Severn Trent Water has no objections subject to conditions.

Third Party Representations

202 letters of objection to this application have been received which are summarised as follows:

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- The character of the village would be overwhelmed by the proposed development and the scale of development is contrary to the local plan;
- Draft Local Plan states limited growth is appropriate for Heather;
- The site is outside the limits to development;
- The development if approved would set precedent for development of other sites in Heather;
- There is inadequate employment opportunity in the village to sustain new dwellings;
- There is enough local housing and affordable social housing available in Heather provided by the David Taylor development;
- Heather Primary School and Ibstock High School are already oversubscribed;
- The main road through Heather is already busy and is too narrow to cope with increased traffic and further traffic surveys are required;
- The development is opposite a local play area and will result in danger to road users and cause negative health impacts from pollution;
- Ibstock Doctors Surgery is struggling to accommodate new patients and service will suffer and the financial contribution is not likely to address this;
- The site is within the National Forest and is used for locals and tourists for recreation and dog walking;
- Views within the village would diminish and its character would be affected;
- The developer has marked the site Grade 3a Agricultural Land although it is Grade 2 Land which is essential for crops and according to the submitted Local Plan should be "less likely to be used for development";
- The ecological survey submitted does not accurately reflect the flora and fauna present on the site and birds, hares, insects and various other species would be affected;
- The development would affect existing residential amenity;
- Drainage is blocked;
- Noise, dust and other impacts will occur during construction;
- There are limited shops and services in the village and new residents would depend on their car contrary to the NPPF;
- The industrial site opposite and events at Cattows Farm could cause health/amenity problems to future occupiers;
- The character for users of the existing right of way across the site would be affected;
- A small part of the site is of archaeological interest.

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 7 (Achieving sustainable development)
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 131 (Conserving and enhancing the historic environment);
Paragraph 132 (Conserving and enhancing the historic environment);
Paragraph 134 (Conserving and enhancing the historic environment);
Paragraph 141 (Conserving and enhancing the historic environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (Planning conditions and obligations).

Adopted North West Leicestershire Local Plan (2002)

The application site is outside 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 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

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. The weight to be attached by the decision maker to this submitted version should be commensurate to the stage reached towards adoption.

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

He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;

Cc2 - Flood risk

Cc3 - Sustainable Drainage Systems

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 Heather area

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

6Cs Design Guide (Leicestershire County Council)

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

6. Assessment

Principle and Sustainability

In accordance with the provision 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 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 submitted Local Plan.

The NPPF requires that the District 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 District Council is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the submitted 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 to whether the proposals constitute sustainable development (inclusive of 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.

In respect of social sustainability, it is noted that third party representations have been received which comment that Heather is not socially sustainable, however the District Council considers Heather to be a sustainable settlement for new residential development given the range of services available, including a shop, primary school and nursery, public houses, church and recreation ground as well as some limited employment uses at Dawsons Yard and along Mill Lane. It is also recognised that Policy S2 of the submitted Local Plan, which can be attached some weight in the decision making process, highlights that Heather as a 'Sustainable Village' where a limited amount of growth will be permitted. The provision of pedestrian routes into the site, as proposed, would also ensure these services are accessible on foot particularly as they would be within an acceptable walking distance.

Having regard to the location of the site it is considered that residents of the proposed development would have access to services which would meet their day to day needs (e.g. a shop), with other facilities and employment opportunities being accessible on foot. In these circumstances it is considered that a development of 36 dwellings would score well against the advice concerning social sustainability contained within the NPPF, with future residents also assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

From a social perspective the development would provide 36 dwellings including 11 affordable properties which would contribute to the housing needs of different groups in the community.

In terms of environmental sustainability the land is agricultural and as such would be considered greenfield land. The site is outside the defined Limits to Development and therefore the 'principle' of the proposal would be in direct conflict with Policies S3 of the adopted and submitted Local Plans. It is also noted that whilst Policy S2 of the submitted Local Plan identifies that Heather as a sustainable village, it does specify that any 'growth' should be proposed on land within the Limits to Development. Such policies are considered to be supported by the principles 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.

However, as highlighted above, given that the NPPF does not necessarily preclude development on greenfield land and determination would need to be made as to whether the proposed dwellings would be 'isolated', in the context of Paragraph 55, or impact adversely on the rural environment as specified at Paragraph 17 of the NPPF.

On the basis of the Proposals Map to the submitted Local Plan the application site would abut the defined Limits to Development at its eastern boundary and there is built development on the opposite side of Swepstone Road in the form of Dawsons Yard. Given the position of the site, it would be possible to align the proposed dwellings in a manner which would ensure that they would appear integrated into the built environment established to the periphery of the settlement. As a consequence of this it would be difficult to suggest that the dwellings would be 'isolated' in the context of Paragraph 55 of the NPPF.

In terms of the impact on the rural environment, the site slopes upwards gently towards the

eastern boundary towards dwellings on Sparkenhoe Estate and David Taylor Close. Substantial mature screening exists to the west of the site and along the roadside boundary, which would provide screening within the wider area. It is considered that the visual impact of the proposed development would be diminished by the existing vegetation and proposed open space on the western part of the site which would provide a softer feathered edge to the settlement than the hard edge displayed by the existing built development on the Sparkenhoe Estate. In addition, the dwellings would be set against the backdrop of existing dwellings in views from the surrounding countryside. Furthermore, the layout and scale of dwellings would be agreed at reserved matters stage to ensure that any development would have a limited impact on the 'openness' of the wider rural environment. It is also noted from the indicative layout drawing that the western edge of the development site would include a landscaped area and attenuation pond which would help to reduce the visual impact of the proposed dwellings.

In conclusion, the proposal would be contrary to Policies S3 of the adopted and submitted Local Plans, as well as Policy S2 of the submitted Local Plan, and would result in some degree of harm to the rural environment by way of the loss of a greenfield site. However, such conflict would be outweighed given the weight to be afforded to Policy S2 of the submitted Local Plan at this time, and by the site's social sustainability credentials, the economic benefits associated with the construction of the dwellings and the fact that the degree of harm to the 'openness' of the rural environment would be extremely limited due to the physical characteristics of the site and the relationship between the wider rural environment and existing built development. On balance, therefore, the proposal represents a sustainable form of development which is acceptable in principle.

Density

With a developable site area of 1.91 hectares the proposed development would have a density of 19 dwellings per hectare which is below the figure of 30 set out in Policy H6 of the adopted Local Plan for settlements such as Heather. The NPPF states that authorities should set their own approach to housing density to reflect local circumstances and it is considered that the proposed density is appropriate when having regard to the character of the area and the location of the site on the edge of the settlement. In conclusion, the degree of conflict with Policy H6, in itself, would not be considered a suitable reason to refuse the application.

Means of Access

All matters are reserved for subsequent approval except for part access. The point of access shown on the submitted plans would be from the north side of Swepstone Road, to the west of David Taylor Close. Whilst the illustrative layout shows internal access roads and provision of pedestrian links to the existing public footpath running across the site, precise details would be dealt with through a subsequent reserved matters application, although their impact on potential accessibility and connectivity of the site still ought to be considered.

The County Highways Authority (CHA) has been consulted on the application and raised no objections subject to the imposition of relevant planning conditions. The suggested planning conditions include off-site highway works for speed reduction measures on Swepstone Road, provision of satisfactory visibility splays and control of surface water. A construction traffic management plan will also be a requirement to ensure that the development does not result in adverse impacts on the highway.

Although local concern has been expressed with regards to highway safety, Paragraph 32 of the NPPF indicates that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." In the circumstances that the CHA have raised no objections to the proposed access arrangements, it is considered that

the development would not have a 'severely' detrimental impact on highway safety as to justify a refusal of the application. On this basis the development would be compliant with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

Neighbours and Future Occupants' 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 36 units could not be provided on the site in a manner which would not significantly adversely impact upon neighbours' amenities.

The application site is located close to the Dawsons Yard industrial estate and although some objections have been received about the potential impacts, it is noted that the application site is on the opposite side of Swepstone Road adjacent to existing residential properties. The District Council's Environmental Protection Team has reviewed the submitted information and has no objections and it is considered that a residential development could be carried out on the site without future residents suffering any significant noise disturbance. A condition requiring a construction method statement to be submitted would be imposed on any permission granted to ensure an acceptable impact on surrounding neighbours during construction phase.

Overall it is considered that the proposal would not result in significant adverse impacts on health or quality of life and the application would accord with Paragraph 123 of the NPPF, Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Impact on the Character and Appearance of the Area

The need for good design in new residential development is outlined not only in adopted Local Plan Policies E4 and H7, as well as Policy D1 of the submitted Local Plan, but also Paragraphs 57, 60 and 61 of the NPPF.

The proposed scheme has been assessed by the District Council's Urban Designer, and rated in accordance with the Building for Life 12 criteria which scores on the basis of red/amber/green. The Council's Urban Designer reviewed the initial proposals for up to 36 dwellings and originally had some concerns over the proposal. These concerns included issues regarding the number of units proposed and form of development in terms of its relationship with existing dwellings and the adjacent open countryside.

The applicant's agent has now submitted an amended illustrative layout. 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 36 dwellings could be satisfactorily developed on the site.

The application site is not within a Conservation Area and is a significant distance from Heather Hall itself, which is a grade II listed building. It is noted that an area of historic parkland associated with Heather Hall (although no longer within its curtilage) projects north towards Swepstone Road. Although this area of parkland constitutes a non-designated heritage asset, the proposed development would be set significantly away and the Council's Conservation Officer has advised that the development would have a limited harmful effect on the open setting of the historic parkland and accordingly raises no objections.

Overall, it is considered that the development would accord with Paragraphs 131 and 132 of the NPPF, as well as Policy E4 of the adopted Local Plan and Policies D1 and He1 of the submitted Local Plan.

Agricultural Land

The application site represents 'Very Good' Best and Most Versatile (BMV) land under Grade 2 of the Agricultural Land Classification (ALC). It is noted that the applicant has undertaken further assessment of the soil quality and identifies the site to be Grade 3a Land which represents 'Good' BMV land. Although Natural England advises that the ALC maps are not sufficiently accurate for assessment of individual fields and should only be used as general guidance, the loss of Grade 2 BMV land still needs to be considered.

Whilst the site falls within Grade 2 BMV it is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost (with medium and high impacts defined as those resulting in a loss of between 20 and 50ha, and those of 50ha above respectively). It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process. A loss of 1.91 hectares of agricultural land is not considered to represent a significant loss and, therefore the scheme is considered to be acceptable in this regard and would not conflict with Paragraph 112 of the NPPF. It is also noted that the proposal would not disrupt the agricultural operations undertaken on the remaining land.

Archaeology

The Leicestershire and Rutland Historic Environment Record (HER) notes that the site is located within an area of archaeological interest. The County Council Archaeologist initially responded to consultation to request systematic field-walking to identify prehistoric remains and a programme of field evaluation, comprising test-pitting and/or trial trench evaluation, subject to the results of the fieldwalking. The applicant has undertaken this further work during the course of the application with the findings submitted to the County Council Archaeologist for further consideration, and it has been confirmed that no significant archaeological deposits were encountered with no evidence for settlement or any focus of past activity within the site boundaries. As such the County Council Archaeologist has confirmed that no further archaeological work is required in relation to the proposed development and raises no objections. On this basis that development is deemed to be compliant with Paragraph 141 of the NPPF and Policy He1 of the submitted Local Plan.

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 is 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 a restricted surface water discharge to the tributary of the River Sence flowing along the western boundary of the site represents the preferred method for surface water disposal. In the event that planning permission were granted, conditions would be imposed 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.

Ecology

The County Council Ecologist has commented on the application and has raised no objections subject to conditions to ensure that vegetation is removed outside the bird nesting season, landscaping to the western boundary involves locally native species only and that an updated badger survey should take place if the development does not commence by May 2017. Conditions in relation to provision of buffer zones along existing hedges and sustainable urban drainage systems have also been requested by the County Council Ecologist. Details of proposed landscaping would be agreed under a subsequent reserved matters application, however subject to suitable conditions, it is considered that the proposed development would have an acceptable impact on ecology and protected species and the application would accord with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the submitted Local Plan.

Landscaping

Given the agricultural nature of the site, there are no mature trees within the site, however there are mature hedgerows around the site boundary. An illustrative layout drawing has been submitted and it is considered that the site could be developed to incorporate a landscape buffer adjacent to retained hedgerows to ensure they are suitably protected. The precise layout, along with a scheme of planting and landscaping, represent matters that would be reserved for subsequent approval and it could be ensured at that stage that appropriate planting and protection measures are provided. A note to applicant would be attached to any permission granted in relation to native planting and buffer zones to retained hedgerows and on the basis of the aforementioned considerations, the application would have an acceptable impact on landscaping and is considered to accord with Policy E7 of the adopted Local Plan and Policy En3 of the submitted Local Plan.

Developer Contributions

Paragraphs 203 and 204 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

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

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

The requested developer contributions are listed below.

Affordable Housing

The Council's SPD on affordable housing indicates that for developments of this scale in the Heather area, 30% of the units should be provided as affordable housing (i.e. 11 units, assuming the construction of the maximum 36 dwellings as proposed). In terms of tenure split, the District Council's Affordable Housing Enabler advises that a tenure split of 80% affordable rented and 20% shared ownership would be sought and the District Council's Strategic Housing Team is seeking the following:

Affordable Rented - 9

4 x 2 bed 4 person bungalows @ 67m²

3 x 2 bed 4 person houses @ 67m²

2 x 3 bed 5 person houses @ 82m2

Shared ownership - 2

2 x 3 bed 5 person house @ 82m2

However, it is accepted that the current requirements are likely to change over time, and it is considered appropriate for the Section 106 agreement to secure a minimum of 30% (and including the tenure split suggested above) with the actual contribution in terms of unit types to be agreed by the District Council.

Transportation Contributions

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).

The County Highway Authority have also requested that details of the routing of construction traffic be included in the legal agreement. 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 Heather Primary School. The School has a net capacity of 112 and 120 pupils are projected on the roll should this development proceed; a deficit of 8 pupil places. No pupil places at this school are currently funded by S106 agreements for other developments in this area.

There are two other Primary Schools within a 2 mile walking distance of the site, Ibstock Junior and Ibstock St Deny's C of E Primary which have a surplus of 90 places and 12 places respectively (after S106 funded places have been discounted). As there is an overall surplus in this sector after including all primary schools within a two mile walking distance of the development of 94 pupil places, no education contribution has been requested for this sector.

High School Requirements

The site falls within the catchment area of Ibstock Community College. The School has a net capacity of 705 and 839 pupils are projected on the roll should this development proceed; a deficit of 134 pupil places. There are 160 pupil places at this school being funded by S106 agreements from other developments in the area to be discounted which reduces the deficit at this school and creates a surplus of 26 pupil places. There are no other high schools within a three mile walking distance of the proposed development and on this basis, an education contribution has not been requested for this sector.

Upper School Requirements

The site falls within the catchment area of Ashby School, which has a net capacity of 1842 and 2049 pupils are projected on roll should this development proceed; a deficit of 207 pupil places. A total of 149 pupil places are being funded at this college from S106 agreements for other developments in this area which need to be discounted and reduces the total deficit to 58 (of which 54 are existing and 4 are generated by this proposed development). There are no other upper schools within a three mile walking distance of the site and an education contribution in this sector is therefore justified. As such, £66,078.58 is requested which would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Ashby School. The applicants are agreeable to making these contributions.

Children's Play Equipment

There is an existing children's play area on the opposite side of Swebstone Road which would be less than 400 metres from the proposed site. As such, no on-site play area is proposed under this application although a contribution towards the maintenance and enhancement of existing recreation and children's play areas within the village will be sought. The precise contribution required would be secured through a S106 agreement and the applicants are agreeable to making these contributions.

Library Services

The proposed development is within a 2 mile walking distance of Ibstock 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 £1,090.00 is requested. 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 £2,354.00 is requested. The applicants are agreeable to making these contributions.

National Forest Planting

The application site extends to 1.91ha 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 0.38ha in this instance. The illustrative masterplan submitted with the application shows approximately 0.74ha of open space including 0.28ha of woodland planting within the site. The NFC have not raised any objections subject to this provision of open space and planting, in addition to adequate sustainable drainage features, being incorporated in a subsequent reserved matters application. In the event that planning permission is 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.

Footpaths

In respect of the footpath diversion, this is considered under separate legislation and a footpath diversion application does not need to be applied for at this time, it is only required when full planning permission is in place i.e. both outline and reserved matters, but would need to be in

place prior to the commencement of the development (if/once a Reserved Matters application is approved). This is because until a reserved matters application is submitted, the precise route of any diversion is not known and the diversion will need to be in place prior to the commencement of development to ensure that a dwelling or other associated infrastructure is not constructed on the footpath.

Section 7 of Defra Circular 01/09 (Rights of Way Circular) confirms that the effect of a development on a public right of way is a material consideration in the determination of a planning application and that given that most outline planning applications do not contain sufficient information, and are not required to do so then matters are usually dealt with during consideration of the matters reserved under the planning permission for subsequent approval.

Summary Reasons for Granting Outline Planning Permission

The application site is outside the Limits to Development where the principle of residential development is not normally considered acceptable. However, in this instance, when having regard to the social, economic and environmental impacts of the proposal it is considered to represent sustainable development. On this basis the principle of the development is considered to be acceptable. It is also considered that the site could be developed, at the reserved matters stage, in a manner which would not appear out of keeping with the character and appearance of the surrounding locality, and which would not adversely impact on the amenities of neighbouring residents, highway safety, heritage assets, ecology, and archaeology or further exacerbate any localised flooding issues. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions and the completion of a Section 106 agreement, is considered acceptable for the purposes of the above-mentioned policies.

RECOMMENDATION - PERMIT, subject to the following conditions and completion of a Section 106 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 Save for the details of vehicular access into the site from Swepstone Road, details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins in respect of the relevant phase.

Reason - this permission is in outline only.

- 3 The proposed development shall be implemented in accordance with the Site Location Plan (Drg No.205_009), received by the Local Authority on the 12th July 2016, and the access arrangements shown on Illustrative Masterplan (Drg No.205_001), received by the Local Authority on the 12th July 2016, unless otherwise required by another condition of this permission.

Reason - for the avoidance of doubt and to determine the scope of the permission.

- 4 A total of no more than 36 dwellings shall be erected.

Reason - to determine the scope of the permission.

- 5 The first reserved matters application shall include the further submission of a Building for Life 12 Assessment in order to ensure the development is designed and built to a good standard.

Reason- to enhance the sustainability credentials of the scheme and to ensure the design approach reflects the aspirations of the Local Authority.

- 6 The reserved matters application shall include details of existing and finished ground levels and the proposed floor levels of the dwellings in relation to an existing datum point off the site. The development shall then be carried out in accordance with the approved details.

Reason- to ensure that the development takes a form envisaged by the Local Planning Authority and in the interests of residential amenities given that no precise details have been provided.

- 7 Prior to first use of the development hereby permitted, the vehicular access to the site shall be provided in accordance with ADC Infrastructure drawing reference: ADC1353/001 Rev -. Notwithstanding the proposed design in drawing reference: ADC1353/001 Rev -, all design matters shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained.

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.

- 8 Before first use of the development hereby permitted, visibility splays of 2.4 metres by 98 metres to the east and 2.4 metres by 96 metres to the west shall be provided at the junction of the site access with Swepstone Road. 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.

- 9 Prior to first occupation of the proposed dwellings details of the design for off-site highway works being the speed reduction measures on Swepstone Road, Heather have been submitted and approved in writing by the Local Planning Authority. The approved scheme should then be implemented prior to occupation of any dwellings.

Reason- In the interests of highway safety.

- 10 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.

Reason- To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.

- 11 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.

- 12 No development approved by this planning permission shall take place until such time as a surface water drainage scheme 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 sufficient treatment trains to maintain or improve the existing 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 or within any other period as may subsequently be agreed, in writing, by the local planning authority. Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections, construction details and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

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

- 13 No development approved by this planning permission shall take place until such time as a detailed construction phasing plan has been submitted to, and approved in writing by, the Local Planning Authority.

Details within the phasing plan should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Reason- To prevent an increase in flood risk and maintain the existing surface water runoff quality though the entire development construction phase, and to prevent damage to the final surface water management systems.

- 14 No development approved by this planning permission shall take place until such time as a capacity assessment of the existing culverts beneath Swepstone Road has been

submitted to, and approved in writing by, the Local Planning Authority.

The assessment shall demonstrate that the existing culverts can accommodate run-off from the entire upstream catchment it serves as well as any additional surface water run-off resulting from development of the site. Where the culverts cannot accommodate this volume of run-off, it must be demonstrated, through the surface water drainage scheme required by Condition 12, that any flooded volume, as a result of the proposed development; can be retained on-site, in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority in consultation with the LLFA.

Reason- To prevent an increase in flood risk to the site and elsewhere due to any increase in surface water runoff being conveyed through the culverts.

- 15 No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:
- a) the parking of vehicles of site operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - e) wheel washing facilities;
 - f) measures to control the emission of dust and dirt during construction;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - h) measures for the protection of the natural environment including noise mitigation
 - i) hours of construction, including deliveries;
- has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

Reason- to minimise detrimental effects to the neighbouring amenities.

- 16 The first reserved matters application in respect of protected species shall provide for a biodiversity management plan for all retained and created habitats, including SuDs, together with a timetable for its implementation. The development shall be carried out in accordance with the biodiversity management plan, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority.

Reason- to ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy and to provide for an appropriate form of development.

- 17 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to September inclusive unless otherwise agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist. This is to ensure that breeding birds will not be adversely affected by any works.

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

- 18 If no development has commenced on site, with regards to the construction of the dwellings, prior to May 2017 then no development shall commence until an updated Badger survey (which shall include any mitigation measures and licenses which would be obtained) has been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist. Once agreed the development shall thereafter be carried out in accordance with the recommendations of the Badger Survey and any mitigation measures once provided shall thereafter be so retained.

Reason - to ensure that protected species are adequately protected and their habitat enhanced.

Notes to applicant

- 1 Outline planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant 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.
- 2 The reserved matters scheme should take into account guidance contained within Leicestershire County Council's Development and Public Rights of Way: Guidance Notes for Designers, Developers and Planners document, produced by Rights of Way Service, Travel Choice & Access Team, Department of Environment & Transport, County Hall, Glenfield, Leicester, LE3 8RJ. For copies of this document or information please ring 0116 305 0001 or email footpaths@leics.gov.uk.
- 3 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building. For information contact Wholesale Operations Severn Trent Water Ltd, Tel: 0116 234 3834 or email: net.dev.east@severntrent.co.uk.
- 4
 - All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager (tel 0116 305 0001).
 - This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980. For further information, including contact details, you are advised to visit the County Council website as follows:-see Part 6 of the "6Cs Design Guide" at www.leics.gov.uk/6csdg
 - C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.
 - If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of

all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.

- If it is the developer's intention to seek either; the adoption of roads which incorporate non-standard features/materials, or the adoption of additional areas beyond that which would normally be considered necessary for the safe functioning of the highway, then commuted sums for future maintenance will be payable. The Applicant should refer to the 6C's Design Guide available at www.leics.gov.uk/index/6csdg.htm for more information.

- You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highways works are commenced.

- Any parking spaces must be a minimum 2.4 metres x 5.5 metres with an additional 0.5m if bounded by a wall, fence, hedge, line of trees or other similar obstruction on 1 side, 1m if bounded on both sides. Any garages must have minimum internal dimensions of at least 6 metres x 3 metres if they are to be counted as a parking space. All parking spaces once provided shall thereafter permanently remain available for car parking.

- In order to provide the visibility splays/access shown on the submitted plans, it may be necessary to remove/carry out works to trees and/or vegetation within the limits of the Highway but before any works to such are commenced you must first obtain the separate consent of the Highway Authority. If approval is granted you may be required to provide appropriate replacements.

- If you intend to provide temporary directional signing to your proposed development, you must ensure that prior approval is obtained from the County Council's Highway Manager for the size, design and location of any sign in the highway. It is likely that any sign erected in the Highway without prior approval will be removed. Before you draw up a scheme, the Highway Manager's staff (tel 0116 305 0001) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of abortive sign design work.

- Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.

- If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

5 If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This legislation is separate from the planning process. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/Flood-risk-management>. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

SuDS Design and Treatment - The LLFA note that the industry best practice at the time of developing the FRA may have been CIRIA C697 in relation to the SuDS design, but that new guidance has been produced in the form of CIRIA C753. The LLFA would recommend that the SuDS designs refer to the new guidance, including where the following aspects are detailed: treatment requirements and maintenance schedules for the surface water system.

Maintenance - Please note, it is the responsibility of the LPA under the DEFRA/DCLG

legislation (April 2015) that the adoption and future maintenance of SuDS features should be discussed with the developer and a suitable maintenance schedule agreed before commencement of the works.

- 6 A reserved matters application should provide for buffer zones of 5m of natural vegetation to be maintained alongside all retained hedgerows and all landscape planting in the informal/natural open space and adjacent to the western site boundaries should be of locally native species only.