

Report of the Director of Environment

Planning Committee

4 August 2009

DEVELOPMENT CONTROL REPORT

1. Background Papers

For the purposes of Section 100 (d) of the Local Government (Access to Information) Act 1985 all consultation replies listed in this report, along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the Act.

2. Late Information: Verbal Updates

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection.

3. Expiry of Representation Periods

In cases where recommendations are headed "Subject to no contrary representations being received by [date]" decision notices will not be issued where representations are received within the specified time period which relate to matters not previously raised.

4. Delegation of Wording of Decision Notices

Where a decision is reached contrary to the recommendation printed in the report, the wording of the reasons for refusal or planning conditions, as the case may be, is hereby delegated to the Director of Environment.

5. Decisions on Items of the Director of Environment

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined. The wording of any new or amended conditions or reasons for refusal be delegated to the Director of Environment.

6. Standard Conditions and Reasons

Where a short code is specified for a condition, the reason for that condition is the standard reason set out in the Conditions and Reasons book. Non-standard conditions and/or reasons are set out in full in the report.

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SECTION A- PREVIOUSLY CONSIDERED ITEMS

SECTION B- PLANNING APPLICATIONS

Erection of 28 no. dwellings (Reserved matters to outline planning permission reference 05/01050/OUT)

Report Item No
B1

Whiteholme 63 Ashby Road Kegworth Derby

Application Reference
09/00366/REM

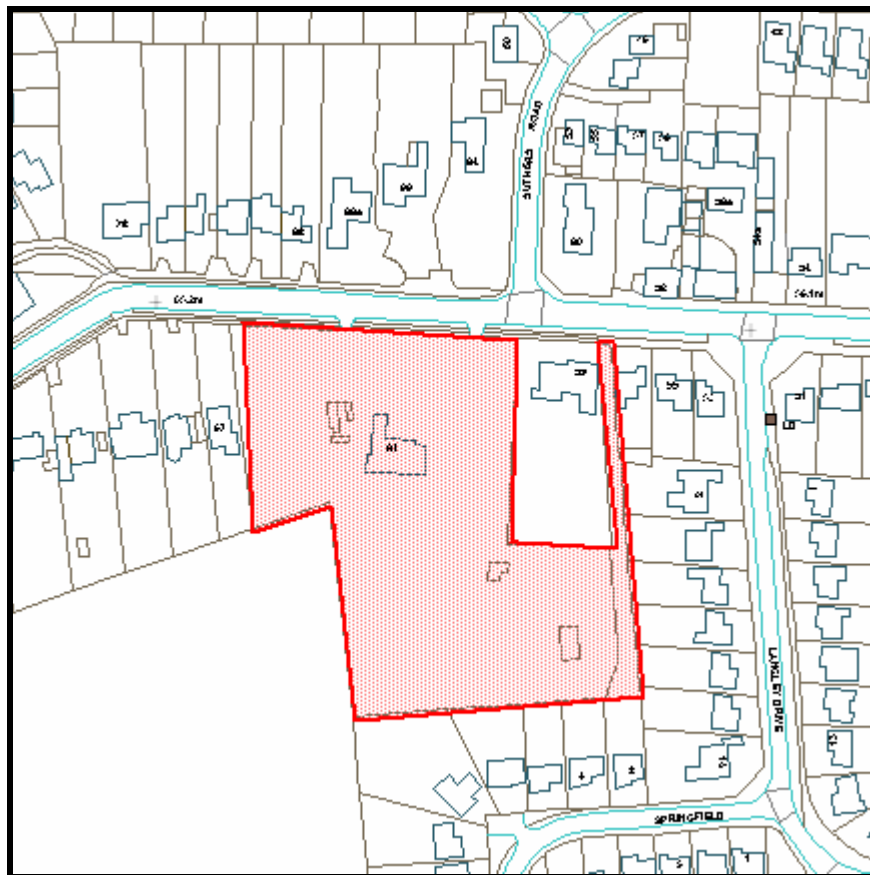
Applicant:
Mr Tristan Mosley

Date Registered
20 April 2009

Recommendation:
REFUSE

Target Decision Date
15 June 2009

Site Location



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1. Proposals and Background

This is a reserved matters application for which approval is sought for the erection of 28 no. dwellings at Whiteholme, 63 Ashby Road, Kegworth. The site, a total of 0.85 hectares, is currently occupied by a large detached dwelling and its extensive garden. There are a large number of trees within the existing garden areas, and the site is subject to a Tree Preservation Order (TPO) (ref:T377), which protects 18 individual trees and six groups.

On 1 March 2006 it was resolved that outline planning permission (with details of means of access included - ref: 05/01050/OUT) for residential development be granted subject to a Section 106 Agreement. The decision was issued on 24 May 2006 following completion of a Section 106 agreement which provided for the following:

- On site play area of not less than 20 square metres per dwelling;
- Education contribution of £1459 per residential unit;
- Library contribution of £51.82 per residential unit;
- A Traffic Calming Scheme to be submitted and approved by the County Council;
- Affordable Housing of not less than 30% of the total no. of residential units.

This application for reserved matters (ref: 09/00366/REM) seeks approval in relation to details concerning layout, scale, appearance and landscaping. A total of 28 residential units are proposed. In terms of housing types it is proposed to erect 9 no. three bed houses, 17 no. two bed houses and 2 no. four bed houses. The applicants have stated that the proposed development will be developed for affordable housing with 10 units for shared ownership and 18 for social renting.

An Arboricultural Survey Report and Design and Access Statement accompany the application. Amended plans, along with an additional tree survey and updated Design and Access Statement, have been received during the course of the application. The amended plans have altered the proposed layout and reduced the number of dwellings from 30 to 28.

The application has been 'called-in' to the Planning Committee at the request of Councillor Pendleton primarily on the basis of impacts upon TPO trees and highway safety matters.

A previous reserved matters application (08/01662/REM) for the erection of 30 no. dwellings was included on the agenda for the Planning Committee on 3 March 2009 but was withdrawn by the applicant in February 2009. Although the application was not determined, it was recommended for refusal on the basis of an unacceptable design, detrimental impact upon highway safety, potential impacts upon protected trees and adverse impacts on surrounding residential amenities.

A separate reserved matters application (09/00442/REM) for the erection of 12 no. dwellings is also currently being reported on this Planning Committee agenda.

Relevant Planning History

05/01050/OUT Residential development (outline - means of access) - Permitted.

07/00038/OUT Erection of residential care home for adults with neuro behavioural difficulties (outline - access) - Refused.

07/00514/FUL Erection of residential care home for adults with neuro behavioural difficulties (C2) including ancillary works and landscaping - Refused.

08/01662/REM Erection of 30 no.dwellings (Reserved matters to outline planning permission reference 05/01050/OUT) - Withdrawn.

09/00442/REM Erection of 13 no.dwellings (Reserved matters to outline planning permission reference 05/01050/OUT) - Currently under consideration.

2. Publicity

35 neighbours notified.

Site Notice displayed 24 April 2009

Press Notice published 22 July 2009

3. Consultations

Kegworth Parish Council consulted 21 April 2009

County Highway Authority consulted 22 April 2009

Environment Agency consulted 22 April 2009

Severn Trent Water Limited consulted 22 April 2009

Head of Environmental Protection consulted 22 April 2009

TREE OFFICER consulted 22 April 2009

Airport Safeguarding consulted 22 April 2009

Urban Designer consulted 22 April 2009

Manager Of Housing North West Leicestershire District Council consulted 22 April 2009

County Highway Authority consulted 13 July 2009

Airport Safeguarding consulted 13 July 2009

Cable Safe - Central Networks consulted 16 July 2009

4. Summary of Representations Received

Kegworth Parish Council objects to the application on the following grounds:

- The site would be overdeveloped and not in keeping with the surrounding area;
- Too many protected trees would be lost;
- Lack of turning facilities within the site;
- Insufficient car parking spaces;
- It would result in a large amount of vehicle movements per day;
- Surface water runoff leading to flooding;
- The proposed layout would impact upon the residential amenities of no.67 Ashby Road.

Environmental Health Officer - No objections subject to a condition requiring that a detailed scheme for sound insulation is submitted and approved.

County Highway Authority - Do not consider an objection on the lack of parking provision could be sustained on appeal in this instance and as such recommend a number of conditions.

Severn Trent Water - No objection to the development subject to a condition.

Airport Safeguarding - No objections subject to conditions.

Environment Agency has no objections.

A total of 20 representations have been received which object to the application on the following grounds:

- The development would lead to additional traffic and there is insufficient parking spaces which

would impact upon highway safety;

- The site access would be close to a bend and opposite a junction on Ashby Road and would be dangerous from a highway safety aspect;
- The access is located very close to bus stops which will result in severe visibility restrictions when a bus is at the stop;
- The development would result in the loss of a number of protected and un-protected trees and would have a detrimental impact upon visual amenity;
- The erection of 28 dwellings would be an overdevelopment of the site;
- Existing character is extensive grounds surrounded by mature trees and the proposed development would be detrimental to this;
- The appearance of the proposed dwellings is uncharacteristic of the surrounding area;
- The scheme fails to take into account the contours of the site and the surrounding area;
- Ground levels on the site are high in relation to the surrounding area and a smaller development including single storey properties would be more appropriate;
- The ground level of the proposed development is much higher than along Springfield and will lead to overlooking;
- Plots 20 to 24 have very short back gardens and the height of the existing trees would result in the rear gardens on these plots being in the shade for most of the day and lead to future complaints;
- The development will increase surface water run-off from the site and lead to flooding in the area;
- The new dwellings would reflect aircraft noise and result in increased aircraft noise for existing dwellings;
- Concern over a number of containers that are located on the site and how these have been allowed without consultation;
- The development of the site for residential purposes is unacceptable because the site is in an unsustainable location; the site is not within walking distance of the local retailing centre, nor served by public transport;
- The application has failed to establish the presence or otherwise of protected species on the site;
- The application has failed to establish that the development falls within accepted national guidelines for a noise sensitive use as set out in PPG24;
- No EIA has been submitted;
- No formal details have been supplied regarding the traffic calming measures as outlined in the Section 106;
- The intention of the strip of land between 57 and 59 Ashby Road is unknown but would be unsuitable for regular vehicle access, pedestrian use or parking;
- The submitted plans show land outside the boundaries of the outline planning permission.
- The style of dwellings is totally out of character with surrounding housing which are all either single or two storey detached dwellings;
- Loss of trees will result in additional aircraft noise impacts for existing dwellings;
- The scheme will result in overlooking, overbearing and overshadowing of existing properties;
- Given the deciduous nature of the trees, there would be no screening for half of the year between the development and properties along Springfield;
- A play area of 600 square metres is required under the outline application but this is not defined on the layout plan;
- Service and emergency vehicles would have difficulty accessing and turning on site;
- The development is not within 400 metres of a children's playground;
- No EIA has been submitted;
- Application has been 'given the nod' by the Planning department;
- Kegworth will have more than adequate housing (including affordable housing) in the future;
- Previous owners of the site may be entitled to compensation from the District Council (£1m

approx) if planning permission is granted;

- If approved, conditions should be attached in respect of burning of materials, hours of work, siting of construction buildings, siting of new buildings, single storey development only, implementation of noise and light pollution mitigation schemes, prevention of mud on roads, no parking or waiting by contractors' vehicles on roads within 800 metres of the site, demolition method statement, maintenance of footpaths, implementation of parking restrictions and construction vehicle routeing.

5. Relevant Planning Policy

East Midlands Regional Plan - Adopted March 2009

Policy 2 seeks to promote better design through the layout, design and construction of new development.

Policy 3 sets out a sequential approach for the distribution of development and economic activity. The policy also advises that priority should be given to making best use of previously developed land and vacant/underused buildings in urban or other sustainable areas.

Policy 48 states that Local Planning Authorities should apply the maximum amounts of vehicle parking for new development as set out in PPG13.

North West Leicestershire Local Plan - Adopted August 2002 with Alterations in June 2004, April 2005 and July 2005

The site lies within limits to development as defined in the North West Leicestershire Local Plan and the following policies are considered relevant in the determination of this application:

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services. This policy reflects advice in PPS 3, PPG 13 and RSS 8.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

Policy H7 seeks good quality design in all new housing developments.

Policy H8 provides that, where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its

surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

Policy E7 seeks to provide appropriate landscaping in association with new development. Proposed developments should incorporate the sites existing features (for example trees or hedgerows) as it is necessary or desirable to retain.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 sets out the criteria for the provision of parking associated with development. In relation to car parking standards for dwellings, an average of 1.5 spaces off-street car parking spaces per dwelling will be sought.

Policy L21 sets out the circumstances in which schemes for residential development will be required to incorporate children's play areas.

National Policies

The following policy documents are considered to be of particular relevance to the application:
Planning Policy Statement 1 - Delivering Sustainable Development

Planning Policy Statement 3 - Housing

Planning Policy Guidance Note 13 - Transport

Other Relevant Guidance

Development Guidelines are adopted as Supplementary Planning Guidance (SPG) in North West Leicestershire. The guidelines set out information regarding, amongst other things, the design and scale of house extensions.

Council's Play Area Design Guidance Note Supplementary Planning Guidance.

Council's Affordable Housing Supplementary Planning Document.

Highways, transportation and development (HTD) produced by Leicestershire County Council and adopted on 22 September 2004 (Revised October 2008). The policy statements included in the document require that development should only be considered acceptable where access roads are suitable for the type of development and it must be safe for all road users, promote road safety and reduce personal safety risks whether real or imagined.

6. Assessment

Principle of Development

The principle of development on this site for residential purposes was established by the grant of the outline planning permission in May 2006 (ref: 05/01050/OUT). As a submission for reserved matters approval, therefore, the present application essentially seeks to provide a greater level of detail in relation to the layout, scale, appearance and landscaping of the dwellings. Assessment of this application should therefore relate to the implications of the particular scheme proposed under this reserved matters application; issues relating to the principle of the development are not relevant to this application.

Density

PPS 3 and Policy H6 of the North West Leicestershire Local Plan both seek to achieve as high a net density as possible, subject to taking into account proximity and accessibility to centres, mix of housing types, good principles of design and layout, green space and landscaping requirements. Policy H6 recommends a minimum net density of 30 dwellings per hectare and advises that a greater intensity of development should be sought in areas with good public transport accessibility. The application site was identified within the District Council's Urban Housing Potential Study as a potential residential site, for upto 33 dwellings (although it was acknowledged that this figure was difficult to predict with any certainty due to the presence of protected trees throughout the site).

It is noted that given the presence of protected and unprotected trees on the site there is inevitably a 'trade-off' between ensuring an efficient use of the site and impacting upon the trees. Although the pre-dominant character in the surrounding area is for relatively large detached dwellings, there is also a balance to be struck between providing a development that is in character with the surrounding area and ensuring an efficient use of the site.

Policy H6 of the Local Plan seeks to achieve 40 dwellings per hectare in town centres, local centres and other locations well served by public transport and accessible to services and 30 dwellings per hectare elsewhere. With a site area of approximately 0.85 of a hectare, the proposal would have a density of 33 dwellings per hectare in an area with reasonably good access to public services and facilities (Kegworth meets the criteria for a Rural Centre, as defined in the former Structure Plan, and the site is located some 500 to 600 metres from the village's Local Retailing Centre as defined in the Local Plan). This density is considered acceptable in this instance taking into account the presence of protected trees on the site. As such, the proposed scheme is considered to comply with Policy H6 and national guidance found in PPS 3.

Design and Layout of Dwellings

The need for good design in new residential development is outlined in not only Local Plan Policy H7, but also PPS 3 (and, in particular, paragraphs 12-19). Paragraph 16 of PPS 3 lists a number of matters to consider when assessing design quality including provision / access to public amenity and recreational space (including play space) and private outdoor space, integration with the local area, efficient use of resources, a design-led approach to the provision of car-parking space and creation of distinctive character.

The scheme has been assessed under Commission for Architecture and Built Environment (CABE) Building for Life criteria (which is now the recognised measure for assessing the quality of proposals for new homes and neighbourhoods) by the District Council's Urban Designer, who considers that the proposed scheme exhibits a number of design weaknesses as illustrated by the results of the Building for Life assessment (a score of 12.5 out of 20, achieving an "Average" rating).

On the basis of this assessment, the scheme falls short of the score (14 out of 20) required to be considered of a "Good" standard. By contrast, the Local Planning Authority has resolved that schemes of a "Good" or "Very Good" (16 out of 20) rating should become the norm (District Council Cabinet meeting of 2 December 2008).

In particular, the proposed scheme fails to score any points under the following Building for Life criteria:

- 17 Do the buildings exhibit architectural quality?
- 18 Do internal spaces and layout allow for adaptation, conversion or extension?

19 Has the scheme made use of advances in construction or technology that enhance its performance, quality and attractiveness?

20 Do buildings or spaces outperform statutory minima, such as building regulations?

The scheme scores only half points on a range of other Building for Life criteria including, amongst other things, failing to create an area with a distinctive character, weak justification of the architectural approach including a confused roofscape, some car parking dominating the area, intrusion of car parking into open space areas and concerns as to whether suitable management arrangements are in place for the public space.

Given that the scheme proposed is not considered to achieve good design it would be contrary to the advice contained in Local Plan Policy H7 and PPS 3, and refusal on this issue is therefore recommended.

Trees

There are a large number of trees on the site, including 18 trees protected by individual Tree Preservation Orders (TPO's) and six group TPO's. The felling of seven trees, six of which were protected, was approved at the outline stage in order to provide for an acceptable access into the site. There is a "trade-off" for the Local Planning Authority to consider in that it needs to ensure an efficient use of land whilst seeking to preserve the amenity value to the area afforded by the existing trees. The application site was identified within the District Council's Urban Housing Potential Study as a potential residential site, for upto 33 dwellings (although it was acknowledged that this figure was difficult to predict with any certainty due to the presence of protected trees throughout the site).

The reserved matters application proposes the erection of 28 dwellings, below the figure originally identified in the UHPS, partly in response to the number of protected trees on the site. Nevertheless, the reserved matters application proposes the removal of a number of trees on the site including six individual protected trees and four silver birch trees from a protected group. The Council's Tree Officer has considered all of the trees on the site and identified those which are considered to be the 'most important' to retain. Although T4 and T5 (two cedars adjacent to the site access) are considered to be important, their removal has already been permitted at the outline stage of the application. With regard to the other 'most important' protected trees and groups, none would be felled. A large number of unprotected trees would also be lost to the development, but it is not considered that these are of particular individual significance (as evidenced by their exclusion from the site's TPO), nor for their group value in conjunction with other protected and unprotected trees.

The use of a cellular tree root protection system (including no-dig construction) which was included as part of the outline application, has been extended towards plots 8-10 in order to mitigate impacts upon protected tree T3 (a wellingtonia).

The formal comments of the Council's Tree Officer in respect of the recently submitted amended plans were awaited at the time of preparing this report. However, it is noted that the layout as amended would increase separation distances between the proposed dwellings and retained trees and, therefore, would appear less likely to result in future compatibility issues arising from the proximity to dwellings and retained trees. On this basis, therefore, it would appear that the scheme is now acceptable (having regard to the planning policy objective of seeking to maximise the potential of the site for housing) in terms of the impact on trees within the site, both in terms of loss of trees (i.e. by retaining all those previously identified by the Tree Officer as the most important, other than those already approved to be removed at the outline

stage) and in terms of the relationship between retained trees and proposed dwellings. Any further comments received from the Tree Officer will be reported on the Update Sheet, however.

Highway Safety

A number of letters of representation have raised concerns over the acceptability of the access onto Ashby Road. As the access arrangements were included with the outline application, that matter has already been addressed and outline planning permission granted. Although this application does not include details regarding the scheme of traffic calming measures, these have been secured under the terms of the Section 106 agreement entered into at the time that the outline planning permission was granted, the precise details of which would need to be agreed with the County Council prior to commencement.

With regard to car parking, it is proposed to provide 45 car parking spaces which equates to 1.61 spaces per dwelling. This level of parking is over that which is advised in the Local Plan which seeks to ensure that no more than an average of 1.5 off-street car parking spaces are provided per dwelling. However, these parking standards were based on the advice contained in PPG 3 which has now been superseded by PPS 3 which takes a less prescriptive approach to parking standards. The advice in PPS 3 is that Local Planning Authorities should, with stakeholders and communities, take account of expected levels of car ownership, promote good design and use land efficiently.

The advice from the County Highway Officer is that the parking provision falls short of minimum requirements when considering information on car ownership contained in the 2001 Census. This has the potential to lead to parking on the access road and turning head which would restrict access and manoeuvring. However, given that the proposed access is to remain private and the particular site layout proposed, the Highway Officer is satisfied that this shortfall would not result in parking on the public highway and, as such, an objection on the lack of parking provision could not be sustained in this instance.

Given this and that the County Highway Authority have no objections, then it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan or the advice contained in HTD.

Residential Amenity

Concern has been expressed from neighbouring properties over residential amenity issues such as overlooking, overbearing and overshadowing impacts, particularly given differences in land levels between the application site and surrounding dwellings. The properties that would be most affected are No.67 Ashby Road located on the western site boundary, dwellings to the west of Langley Drive (particularly 4-10) and 2-10 Springfield which are located on the southern site boundary. All these neighbouring properties are two-storey dwellings. Consideration has been given to the Development Guidelines, although it is recognised that these can only be used as a guide given their age and the changes in local and national policy that have taken place (including in terms of development density) since their publication.

On the western site boundary there would be a distance of around 4.0 metres between the side elevation of plot 1 and the side elevation of No.67. The building line has been set back from the building line of No.67, possibly to avoid impacts upon side windows positioned on the northern section of the side elevation of No.67. Whilst the setting back of the dwelling would ensure that there are no significant overbearing and overshadowing impacts on these windows, the inclusion of a first floor side window to serve a bedroom in plot 1 would result in significant

levels of direct overlooking to the rear amenity space of No.67. This is considered to result in a significant impact upon the residential amenities of No.67 and would, therefore, be contrary to Policy E3 of the Local Plan.

On the southern site boundary there would be a minimum distance of 36.0 metres between the rear elevations of properties located along Springfield and the rear elevations of proposed plots 16-28. At present there is a group of Lime trees that are protected by TPO under reference G6, that are approximately 13.0 metres in height and run across nearly the entire southern boundary. The proposed finished floor levels of new dwellings in this area would be higher than the finished floor levels of 2-10 Springfield with plots 16-18 around 3.5 metres higher. However, given the distances involved which would comply with the Development Guidelines and the screening effect afforded by the protected trees, it is not considered that there would be significantly detrimental overlooking, overbearing or overshadowing impacts on these properties as a result of the development. Whilst the level of screening would be reduced in winter months, it is nevertheless considered that there would not be detrimental residential impacts due to the rear elevations being located more than 36.0 metres away.

In the south-eastern corner of the site the side elevation of plot 28 would be positioned 1.0 metres away from the rear gardens of No.6 and No.8 Langley Drive. There would be a distance of around 19.0 metres between the side elevation of plot 28 and the rear elevation of No.8 and slightly further to No.6. The rear gardens of properties along Langley drive are all longer than the suggested distance of 11.0 metres in the Development Guidelines and given this it is not considered that the positioning of a dwelling up to this boundary would lead to significant overbearing or overshadowing impacts. However, the inclusion of a first floor side window serving a bedroom in plot 28 would result in significant levels of direct overlooking to the rear amenity space of No.s 6, 8 and 10. This plot includes a first floor window serving a bedroom with a 'Juliet' balcony which has the potential to lead to further overlooking impacts although it is not considered that this on its own would cause overlooking impacts so severe that the application could be refused on this basis alone. The proposed side windows on this plot are considered to result in a significant impact upon the residential amenities of these properties along Langley Drive and would, therefore, be contrary to Policy E3 of the Local Plan.

The proposed relationship between the first floor side window serving a bedroom on plot 11 and the rear gardens of plots 7, 8 and 9 is also considered unacceptable. The first floor bedroom window would be located directly on the rear boundaries of these properties and would lead to significant levels of direct overlooking of the rear garden areas. This is considered to result in a significant impact upon the residential amenities of future occupiers and would, therefore, be contrary to Policy E3 of the Local Plan.

The proposed scheme would result in unacceptable overlooking impacts upon surrounding residential properties and would also be unacceptable to the amenities of future occupiers. As such, the scheme is considered to result in significant impacts upon residential amenity which would be contrary to the advice contained in Local Plan Policy E3, and refusal on this issue is therefore recommended.

Play Area

The Section 106 agreement for planning application 05/01050/OUT requires the provision of a play area on the site for an area of not less than 20 square metres per dwelling. Given that 28 dwellings are proposed this would require a play area of not less than 560 square metres. The submitted plans show the provision of a play area measuring approximately 760 square metres. The play area would be located within a visually prominent position within the development,

sited so that it can be accessed from within a reasonable walking distance and would be afforded natural surveillance from the orientation of surrounding dwellings. Given these factors the layout of the play area is considered acceptable in relation to the Council's SPG and Local Plan Policy L21.

Affordable Housing

The scheme being put forward is a 100% affordable housing scheme. This would meet the threshold contained within the SPD and would be over and above the requirement of the Section 106 which requires at least 30% of the total number of units to be affordable houses. The Council's Housing Officer supports both the mix of tenures (67% socially rented and 33% intermediate housing) as well as the mix of property types (primarily 2 and 3 bed houses) as it reflects the identified need in the area. As such, it is considered that the proposed scheme would appear capable in principle of providing an acceptable range of affordable units to meet the requirements of the Section 106 agreement.

Other Matters

Concern has been expressed over the presence of protected species within the site. This issue was considered at the time of the outline application and, at that time, English Nature (now Natural England) accepted that a survey was not necessary, and advised that appropriate conditions / notes to applicant be attached (these required the submission of details for replacement bat habitat, the checking of trees prior to felling for bats, and the cessation of work should any protected species be found). As any impacts upon protected species have already been mitigated against at the outline stage, there is no reason why it should be considered further at the reserved matters stage. Furthermore, whilst no further measures can reasonably be required via the planning process, the existing outline permission does not affect any statutory protection contained within ecological legislation.

Concerns have been raised over surface water run-off and flooding issues within the site. Severn Trent Water has no objections to the proposals subject to the imposition of a condition requiring the submission of drainage plans for approval prior to commencement; such a condition would not be necessary, however, having already been attached to the outline planning permission (Condition 4).

For its part, the Environment Agency had originally raised objection to the application on the grounds that the submitted details did not indicate the use of appropriate Sustainable Drainage Systems (SUDS), for example incorporation of a balancing pond and / or swales etc. However, this objection has now been withdrawn.

Regardless, however, on the basis that details of drainage are required to be submitted for approval pursuant to Condition 4 of the outline planning permission, it is considered that this matter is addressed under the outline planning permission in any event and, therefore, would not be an appropriate reason for refusal in respect of this reserved matters application. In practice, were reserved matters approval to be granted, the developers would need to make an application to discharge Condition 4 of the outline planning permission before works could commence. If, at that stage, the submitted drainage scheme (whether including SUDS measures or not) was unacceptable to any relevant consultees (i.e. Severn Trent Water or the Environment Agency), the Local Planning Authority would, at that stage, be able to refuse approval of the drainage details.

There is no evidence to suggest that the layout proposed would result in significant levels of

additional noise to surrounding dwellings and the Environmental Health Officer has no objections to the development providing that a detailed scheme for sound insulation is submitted to protect the proposed dwellings from existing noise sources (principally from the M1 motorway and aircraft). A condition to this effect was included in the outline application and would therefore not need to be replicated in any reserved matters approval.

With regards to neighbour concerns raised but not addressed above, the presence of containers on the site is the subject of a current investigation by the Authority's Planning Enforcement team, no Environmental Statement has been submitted as the scheme would not be of a scale which would usually be considered to constitute EIA development, and the site's sustainability in terms of housing has already been established at the outline stage.

Conclusion

Therefore, taking all of the above into account, the proposed reserved matters application is considered unacceptable on the grounds of poor design (given the proposed scheme's Building for Life rating of "Average") and unacceptable residential impacts on surrounding residential properties and future occupiers. It is, therefore, recommended that the reserved matters application be refused.

RECOMMENDATION - REFUSE, for the following reason(s):

- 1 Policy H7 of the North West Leicestershire Local Plan and Planning Policy Statement 3 - Housing seek to achieve good quality design in new residential development. The proposed development, when assessed against the relevant criteria for design of new residential development as set out in Building for Life, would achieve a rating of "Average" and result in an unacceptable form of development contrary to the provisions of Policy H7 of the North West Leicestershire Local Plan and PPS 3.
- 2 Policy E3 of the North West Leicestershire Local Plan seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings. The proposed scheme would result in significant overlooking impacts upon the rear gardens of No.67 Ashby Road, No.s 6, 8 and 10 Langley Drive and the future occupiers to plots 7, 8 and 9. Approval of the proposal would therefore be contrary to the provisions of Policy E3 of the North West Leicestershire Local Plan.

Erection of 12 no. dwellings (Reserved Matters of Outline
Planning Permission Ref 05/01050/OUT)

Report Item No
B2

Whiteholme 63 Ashby Road Kegworth Derby

Application Reference
09/00442/REM

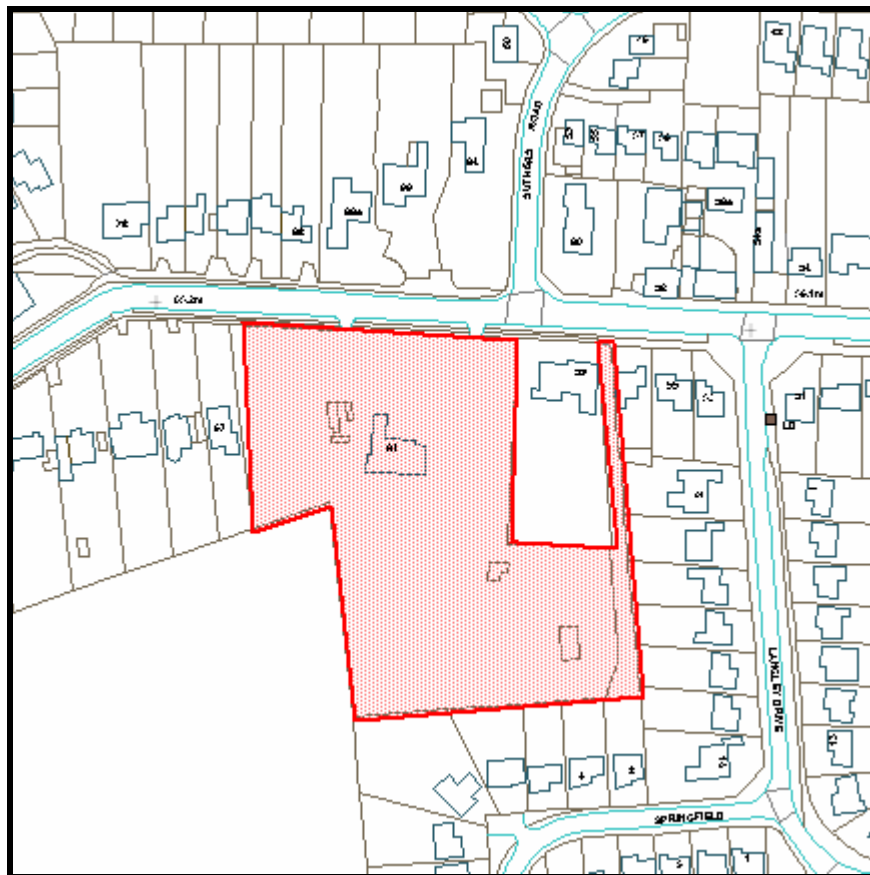
Applicant:
Mr Tristan Mosley

Date Registered
7 May 2009

Recommendation:
REFUSE

Target Decision Date
2 July 2009

Site Location



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1. Proposals and Background

This is a reserved matters application for which approval is sought for the erection of 12 no. dwellings (reduced from 13 during the course of the application) at Whiteholme, 63 Ashby Road, Kegworth. The site, a total of 0.85 hectares, is currently occupied by a large detached dwelling and its extensive garden. There are a large number of trees within the existing garden areas, and the site is subject to a Tree Preservation Order (TPO) (ref. T377), which protects 18 individual trees and six groups.

On 1 March 2006 it was resolved that outline planning permission (with details of means of access included - ref: 05/01050/OUT) for residential development be granted subject to a Section 106 Agreement. The decision was issued on 24 May 2006 following completion of a Section 106 agreement which provided for the following:

- On site play area of not less than 20 square metres per dwelling;
- Education contribution of £1,459 per residential unit;
- Library contribution of £51.82 per residential unit;
- A Traffic Calming Scheme to be submitted and approved by the County Council;
- Affordable Housing of not less than 30% of the total no. of residential units.

This application for reserved matters (ref: 09/00442/REM) seeks approval in relation to details concerning layout, scale, appearance and landscaping. A total of 12 residential units are proposed, including 3 no. four bed houses and 9 no. five bed houses.

An Arboricultural Survey Report and Design and Access Statement accompanies the application.

The application has been 'called-in' to the Planning Committee at the request of Councillor Pendleton.

A previous reserved matters application (08/01662/REM) for the erection of 30 no. dwellings was included on the agenda for the Planning Committee on 3 March 2009 but was withdrawn by the applicant in February 2009. Although the application was not determined, it was recommended for refusal on the basis of an unacceptable design, detrimental impact upon highway safety, potential impacts upon protected trees and adverse impacts on surrounding residential amenities.

A separate reserved matters application (09/00366/REM) for the erection of 28 no. dwellings is also being reported on this Planning Committee agenda.

Relevant Planning History:

05/01050/OUT Residential development (outline - means of access) - Permitted.

07/00038/OUT Erection of residential care home for adults with neuro behavioural difficulties (outline - access) - Refused.

07/00514/FUL Erection of residential care home for adults with neuro behavioural difficulties (C2) including ancillary works and landscaping - Refused.

08/01662/REM Erection of 30 no. dwellings (Reserved matters to outline planning permission reference 05/01050/OUT) - Withdrawn.

09/00366/REM Erection of 28 no. dwellings (Reserved matters to outline planning permission reference 05/01050/OUT) - Currently under consideration

2. Publicity

32 Neighbours have been notified.

Site Notice displayed 14 May 2009

Press Notice published 22 July 2009

3. Consultations

Environment Agency consulted 11 May 2009

Severn Trent Water Limited consulted 11 May 2009

Head of Environmental Protection consulted 11 May 2009

TREE OFFICER consulted 11 May 2009

Airport Safeguarding consulted 11 May 2009

Manager Of Housing North West Leicestershire District Council consulted 11 May 2009

Urban Designer consulted 11 May 2009

Kegworth Parish Council consulted 13 July 2009

County Highway Authority consulted 13 July 2009

Natural England consulted 13 July 2009

Cable Safe - Central Networks consulted 16 July 2009

4. Summary of Representations Received

13 letters have been received making the following points:

- Proposed scheme is more appropriate in density terms than the larger proposals for the site
- No details of traffic calming on Ashby Road
- No details of future ownership of access track serving the electricity substation
- Access track serving the electricity substation unsuitable for site access during construction or for use by heavy machinery
- The development would result in the loss of a number of protected and un-protected trees which would have a detrimental impact upon visual amenity and would increase aircraft noise
- Would take many years for new tree planting to establish
- Application has been "given the nod" by the Planning department
- Previous owners of the site may be entitled to compensation from the District Council (£1m approx) if planning permission is granted
- Concern over a number of containers that are located on the site and how these have been allowed without consultation and inadequate enforcement action
- The development of the site for residential purposes is unacceptable because the site is in an unsustainable location; the site is not within walking distance of the local retailing centre, nor served by public transport
- Traffic generation and associated noise
- Insufficient landscaping
- The application has failed to establish the presence or otherwise of protected species on the site;
- The application has failed to establish that the development falls within accepted national guidelines for a noise sensitive use as set out in PPG24
- No EIA has been submitted;
- Overlooking caused by differences in land levels
- Future pressure to undertake works on trees due to their proximity to proposed dwellings
- Flood risk to adjacent properties
- The new dwellings would reflect aircraft noise and result in increased aircraft noise for

existing dwellings;

- Kegworth will have more than adequate affordable housing in the future
- Unsafe access due to poor visibility, proximity to other junctions and high traffic speeds
- If approved, conditions should be attached in respect of burning of materials, hours of work, siting of construction buildings, siting of new buildings, single storey development only, implementation of noise and light pollution mitigation schemes, prevention of mud on roads, no parking or waiting by contractors' vehicles on roads within 800 metres of the site, demolition method statement, maintenance of footpaths, implementation of parking restrictions and construction vehicle routeing.

Kegworth Parish Council raises no objections to the proposals on the basis that the site already has outline planning permission and, in comparison to the earlier scheme of 30 dwellings, the proposals would be more in keeping with the surrounding area and rural setting of the site. It considers that the proposed development would comply with PPS 3 in respect of its advice on design and density, particularly having regard to the presence of protected trees. It also considers that the scheme is acceptable in terms of car parking provision, traffic generation, play area siting, surface water run-off, neighbours' amenities and compliance with the District Council's Draft Core Strategy.

County Highway Authority has no objections subject to conditions

Environment Agency has no objections

Severn Trent Water has no objections subject to conditions

Environmental Health Officer has no objections subject to conditions

East Midlands Airport has no objections subject to conditions

District Council Affordable Housing Enabler raises concerns that the low density of the proposal will result in the lack of an affordable housing contribution in an area where a need has been identified

5. Relevant Planning Policy

East Midlands Regional Plan - Adopted March 2009

Policy 2 seeks to promote better design through the layout, design and construction of new development.

Policy 3 sets out a sequential approach for the distribution of development and economic activity. The policy also advises that priority should be given to making best use of previously developed land and vacant/underused buildings in urban or other sustainable areas.

Policy 48 states that Local Planning Authorities should apply the maximum amounts of vehicle parking for new development as set out in PPG 13.

North West Leicestershire Local Plan - Adopted August 2002 with Alterations in June 2004, April 2005 and July 2005

The site lies within limits to development as defined in the North West Leicestershire Local Plan and the following policies are considered relevant in the determination of this application:

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services. This policy reflects advice in PPS 3, PPG 13 and RSS 8.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

Policy H7 seeks good quality design in all new housing developments.

Policy H8 provides that, where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

Policy E7 seeks to provide appropriate landscaping in association with new development. Proposed developments should incorporate the sites existing features (for example trees or hedgerows) as it is necessary or desirable to retain.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 sets out the criteria for the provision of parking associated with development. In relation to car parking standards for dwellings, an average of 1.5 spaces off-street car parking spaces per dwelling will be sought.

Policy L21 sets out the circumstances in which schemes for residential development will be required to incorporate children's play areas.

National Policies

The following policy documents are considered to be of particular relevance to the application:
Planning Policy Statement 1 – Delivering Sustainable Development

Planning Policy Statement 3 – Housing

Planning Policy Guidance Note 13 - Transport

Other Relevant Guidance:

Development Guidelines are adopted as Supplementary Planning Guidance (SPG) in North West Leicestershire. The guidelines set out information regarding, amongst other things, the design and scale of house extensions.

Council's Play Area Design Guidance Note Supplementary Planning Guidance.

Council's Affordable Housing Supplementary Planning Document.

Highways, transportation and development (HTD) produced by Leicestershire County Council and adopted on 22 September 2004 (Revised October 2008). The policy statements included in the document require that development should only be considered acceptable where access roads are suitable for the type of development and it must be safe for all road users, promote road safety and reduce personal safety risks whether real or imagined.

6. Assessment

Principle of Development

The principle of development on this site for residential purposes was established by the grant of the outline planning permission in May 2006 (ref: 05/01050/OUT). As a submission for reserved matters approval, therefore, the present application essentially seeks to provide a greater level of detail in relation to the layout, scale, appearance and landscaping of the dwellings. Assessment of this application should therefore relate to the implications of the particular scheme proposed under this reserved matters application; issues relating to the principle of the development are not relevant to this application.

Density

PPS 3 and Policy H6 of the North West Leicestershire Local Plan both seek to achieve as high a net density as possible, subject to taking into account proximity and accessibility to centres, mix of housing types, good principles of design and layout, green space and landscaping requirements. Policy H6 recommends a minimum net density of 30 dwellings per hectare and advises that a greater intensity of development should be sought in areas with good public transport accessibility. The application site was identified within the District Council's Urban Housing Potential Study as a potential residential site, for up to 33 dwellings (although it was acknowledged that this figure was difficult to predict with any certainty due to the presence of protected trees throughout the site).

It is noted that given the presence of protected and unprotected trees on the site there is inevitably a 'trade-off' between ensuring an efficient use of the site and impacting upon the trees. Although the pre-dominant character in the surrounding area is for relatively large detached dwellings, there is also a balance to be struck between providing a development that is in character with the surrounding area and ensuring an efficient use of the site.

With a site area of approximately 0.85 of a hectare, the proposal would have a density of just less than 14 dwellings per hectare. As set out in the section above relating to planning policy, Local Plan Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account factors such as housing mix, accessibility to centres and design. It also requires a minimum density of 40 dwellings per

hectare within locations well served by public transport and accessible to services and a minimum of 30 dwellings per ha elsewhere. For its part PPS 3 advises as follows:

“46 Local Planning Authorities should develop housing density policies having regard to:

- The spatial vision and strategy for housing development in their area, including the level of housing demand and need and the availability of suitable land in the area.
- The current and future level and capacity of infrastructure, services and facilities such as public and private amenity space, in particular green and open space.
- The desirability of using land efficiently and reducing, and adapting to, the impacts of climate change.
- The current and future levels of accessibility, particularly public transport accessibility.
- The characteristics of the area, including the current and proposed mix of uses.
- The desirability of achieving high quality, well-designed housing having regard to the considerations in paragraph 16 [a list of criteria relating to design quality].

47. Reflecting the above, Local Planning Authorities may wish to set out a range of densities across the plan area rather than one broad density range although 30 dwellings per hectare (dph) net should be used as a national indicative minimum to guide policy development and decision-making, until local density policies are in place. Where Local Planning Authorities wish to plan for, or agree to, densities below this minimum, this will need to be justified, having regard to paragraph 46.

48. Good design is fundamental to using land efficiently. Local Planning Authorities should facilitate good design by identifying the distinctive features that define the character of a particular local area.

49. Careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, when well designed and built in the right location, it can enhance the character and quality of an area. Successful intensification need not mean high rise development or low quality accommodation with inappropriate space. Similarly, in Conservation Areas and other local areas of special character where, if proper attention is paid to achieving good design, new development opportunities can be taken without adverse impacts on their character and appearance.

50. Density is a measure of the number of dwellings which can be accommodated on a site or in an area. The density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment.”

In brief, therefore, whilst it is acknowledged that much of the surrounding area is of a low density form (and pre-dates the 2000 revision of PPG 3 which introduced the Government’s greater emphasis on making more efficient use of land), it is not accepted that this, in itself, justifies such a low density scheme (with a density of less than half of that required under local and national policies). Whilst (as referred to above), the extent to which trees can be retained is an issue of relevance to the density of development possible on the site, it is not accepted that the density shown is a result of tree retention (for example, the number of trees retained under this scheme for 12 units would not be significantly greater than under the scheme for 28 units proposed under 09/00366/REM), rather it is, it is considered, a factor of the size and type of the units (i.e. all four and five bed detached dwellings with double garages, set within large plots).

It is considered that the density of the proposed development would be inappropriate, and contrary to the relevant local and national policies which seek to ensure that housing is provided in an efficient manner.

Design and Layout of Dwellings

The need for good design in new residential development is outlined in not only Local Plan Policy H7, but also PPS 3 (and, in particular, paragraphs 12-19). Paragraph 16 of PPS 3 lists a number of matters to consider when assessing design quality including provision / access to public amenity and recreational space (including play space) and private outdoor space, integration with the local area, efficient use of resources, a design-led approach to the provision of car-parking space and creation of distinctive character.

The scheme has been assessed under the Commission for Architecture and the Built Environment (CABE's) Building for Life criteria (which is now the recognised measure for assessing the quality of proposals for new homes and neighbourhoods) by the District Council's Urban Designer, who considers that the proposed scheme exhibits a number of design weaknesses as illustrated by the results of the Building for Life assessment (a score of 4.5 out of 20, achieving a "Poor" rating).

On the basis of this assessment, the scheme clearly falls well short of the score (14 out of 20) required to be considered of a "Good" standard. By contrast, the Local Planning Authority has resolved that schemes of a "Good" or "Very Good" (16 out of 20) rating should become the norm (District Council Cabinet meeting of 2 December 2008).

In particular, the proposed scheme fails to score any points under the following Building for Life criteria:

- 2 Is there an accommodation mix that reflects the needs and aspirations of the local community?
- 3 Is there a tenure mix that reflects the needs of the local community?
- 5 Does the development have any features that reduce its environmental impact?
- 6 Is the design specific to the scheme?
- 7 Does the scheme exploit existing buildings, landscape or topography?
- 8 Does the scheme feel like a place with distinctive character?
- 10 Are streets defined by a well-structured building layout?
- 11 Does the building layout take priority over the streets and car parking, so that the highways do not dominate?
- 13 Are the streets pedestrian, cycle and vehicle friendly?
- 17 Do the buildings exhibit architectural quality?
- 18 Do internal spaces and layout allow for adaptation, conversion or extension?
- 19 Has the scheme made use of advances in construction or technology that enhance its performance, quality and attractiveness?
- 20 Do buildings or spaces outperform statutory minima, such as building regulations?

It is noted that the proposed development appears to employ "standard" house types (which, it is considered, are of no particular architectural merit), and it is considered that the scheme: (i) would take limited advantage of the site's topography and existing tree setting; (ii) would not create an area with distinctive character; (iii) would to some considerable extent be dominated by highways, garages and parking; and (iv) would appear to make no use of technology / design techniques to limit its environmental impact.

Whilst it is recognised that there are planning policy issues relating to the density of

development on this site, the District Council's Urban Designer is of the view that a scheme of appropriate density could be designed to meet the "Good" or "Very Good" standard, and that the design weaknesses of these proposals are not associated with density.

Given that the scheme proposed is not considered to achieve good design it would be contrary to the advice contained in Local Plan Policy H7 and PPS 3, and refusal on this issue is therefore recommended.

Trees

There are a large number of trees on the site, including 18 trees protected by individual Tree Preservation Orders (TPOs) and six group TPOs. The felling of seven trees, six of which were protected, was approved at the outline stage in order to provide for an acceptable access into the site. There is a "trade-off" for the Local Planning Authority to consider in that it needs to ensure an efficient use of land whilst seeking to preserve the amenity value to the area afforded by the existing trees. The application site was identified within the District Council's Urban Housing Potential Study as a potential residential site, for up to 33 dwellings (although it was acknowledged that this figure was difficult to predict with any certainty due to the presence of protected trees throughout the site).

The reserved matters application proposes the erection of 12 dwellings, and would result in the removal of a number of trees on the site including seven individually protected trees and three silver birch trees from a protected group. The Council's Tree Officer has considered all of the trees on the site and identified those which are considered to be the 'most important' to retain. Although T4 and T5 (two cedars adjacent to the site access) are considered to be important, their removal has already been permitted at the outline stage of the application. With regard to the other 'most important' protected trees and groups, none would be felled. A large number of unprotected trees would also be lost to the development, but it is not considered that these are of particular individual significance (as evidenced by their exclusion from the site's TPO), nor for their group value in conjunction with other protected and unprotected trees.

The use of a cellular tree root protection system (including no-dig construction) which was included as part of the outline application, would be extended towards Plots 3 and 4 in order to mitigate impacts upon protected tree T3 (a wellingtonia).

The formal comments of the Council's Tree Officer in respect of the recently submitted amended plans were awaited at the time of preparing this report. However, it is noted that the layout as amended would increase separation distances between the proposed dwellings and retained trees and, therefore, would appear less likely to result in future compatibility issues arising from the proximity to dwellings and retained trees. On this basis, therefore, it would appear that the scheme is now acceptable (having regard to the planning policy objective of seeking to maximise the potential of the site for housing) in terms of the impact on trees within the site, both in terms of loss of trees (i.e. by retaining all those previously identified by the Arboricultural Officer as the most important, other than those already approved to be removed at the outline stage) and in terms of the relationship between retained trees and proposed dwellings. Any further comments received from the Tree Officer will be reported on the Update Sheet, however.

Highway Safety

Concerns have been raised over the acceptability of the access onto Ashby Road. As the access arrangements were included with the outline application, that matter has already been

addressed and outline planning permission granted. Although this application does not include details regarding the scheme of traffic calming measures, these have been secured under the terms of the Section 106 agreement entered into at the time that the outline planning permission was granted, the precise details of which would need to be agreed with the County Council prior to commencement.

With regard to car parking, all of the proposed dwellings would have a double garage, and additional driveway space for at least two cars (but, for some units, more). As such, the proposed level of off-street car parking would be considerably greater than that advised in the Local Plan which seeks to ensure that no more than an average of 1.5 off-street car parking spaces are provided per dwelling. However, these parking standards were based on the advice contained in PPG 3 which has now been superseded by PPS 3 which takes a less prescriptive approach to parking standards. The advice in PPS 3 is that Local Planning Authorities should, with stakeholders and communities, take account of expected levels of car ownership, promote good design and use land efficiently.

The County Highway Authority is of the view that, whilst there is an overprovision proposed, having regard to the extent to which the appropriate level would be exceeded, and to the size and type of dwellings proposed, the overprovision would not be unacceptable.

On the basis of the above, it is not considered that the proposal would conflict with Local Plan Policies T3 and T8 nor the advice contained in HTD.

Residential Amenity

Whilst the application site is located adjacent to a number of other existing and proposed dwellings, it is considered that limited impacts on neighbours' amenities would result, including by way of overlooking, overdominance or overshadowing, having regard to the general requirements of the Council's Development Guidelines. It is noted that Plots 1 and 12 would be located adjacent to neighbouring dwellings / curtilages; however, only bathroom windows would be located facing towards those properties. It is also noted that Plot 12 would incorporate French windows and a "Juliet" balcony to a first floor bedroom which would enable some overlooking of neighbouring gardens to the east / north east beyond that usually possible from a "normal" window. However, it is accepted that, having regard to the relative angle at which most overlooking would take place, the impact would be unlikely to be so harmful as to warrant a refusal.

It is also noted that concern has been raised by residents of Springfield (to the south of the application site) on the basis that the impact would be increased by virtue of the difference in land levels between the application site and properties on Springfield.

The closest existing and proposed dwellings at this point would be no. 8 Springfield and proposed Plot 9 where, not including the proposed garage to that plot, a distance of 35.5 metres would be achieved between the rear elevations of those two dwellings, a distance well in excess of the usual window to window distances. Furthermore, an intervening group of protected lime trees within the application site would serve to reduce further any overlooking impact, albeit to varying degrees at different times of the year. Proposed Plot 9 would be erected at a finished floor level of approximately 2.75 metres higher than that of 8 Springfield. Notwithstanding this difference in levels, however, in view of the above, it is not considered that any significantly detrimental overlooking, overbearing or overshadowing impacts to properties on Springfield would arise as a result of the development.

It is not considered therefore that the proposals would have any unduly adverse impacts on neighbouring occupiers, and the requirements of Local Plan Policy E3 would therefore be satisfied.

Play Area

The Section 106 agreement entered into in respect of planning application 05/01050/OUT requires the provision of a play area on the site for an area of not less than 20 square metres per dwelling. Given that 12 dwellings are proposed this would require a play area of not less than 240 square metres. The submitted plans show the provision of a play area comfortably in excess of this figure, and the scheme would therefore be acceptable in this regard.

Affordable Housing and Housing Mix

As set out in the introduction above, the outline planning permission was subject to a Section 106 agreement securing, amongst others, the provision of affordable housing (a minimum of 30% of the units) within the scheme. Under the terms of the Section 106 agreement, and following the amendment of the National threshold for provision of affordable housing implemented by the 2006 revision of PPS 3, this particular obligation applies to any scheme of 15 or more units. As such, no contribution would be required in respect of the current reserved matters proposals for 12 units.

In addition to *affordable* housing (defined in PPS 3 as including social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market), PPS 3 also provides in Paragraph 26 that “Local Planning Authorities should plan for the full range of market housing. In particular, they should take account of the need to deliver low-cost market housing as part of the housing mix”. Also of relevance is the advice in Paragraphs 23 and 24:

“23 Developers should bring forward proposals for market housing which reflect demand and the profile of households requiring market housing, in order to sustain mixed communities....

24For smaller sites, the mix of housing should contribute to the creation of mixed communities having regard to the proportions of households that require market or affordable housing and the existing mix of housing in the locality.”

The District Council’s Affordable Housing Enabler expresses concern that, by developing the site at such a low density that the threshold of 15 units is not reached, the proposal would have a negative impact on the provision of affordable housing in the village and the District. In particular, she advises that Kegworth is dominated by owner occupied properties and has a high number of privately rented properties. Smaller family properties, regardless of tenure, are difficult to obtain in the village, and that development of this scheme would remove the possibility of smaller homes being provided as a form of low cost home ownership in the village.

In respect of these issues, therefore, two principal areas of concern arise:

- (i) By virtue of the low density of the scheme, the number of units would be below the threshold at which an affordable housing contribution could be secured, thus resulting in the non-provision of affordable dwellings in an area where a need has been identified (which would appear to be at odds with the Council’s strategic aim of Enough Decent and Affordable Homes).
- (ii) In terms of market housing, the proposed development would not provide any low-cost market housing, including the smaller family properties the District Council’s Affordable Housing Enabler advises are required in Kegworth.

In terms of (i) above, whilst the non-provision of affordable housing on a site of this size would appear to run contrary to the aims of Local and National policy intended to secure this, it is accepted that, on the basis that the scheme would be below the relevant thresholds, there would be no direct breach of those policies, and it would not therefore be appropriate to attach an additional reason for refusal on this issue over and above the density reasons discussed above from which the affordable housing concerns result.

In respect of (ii), however, it is considered that the proposed development would not satisfy the requirements of PPS 3 in terms of the need to provide an appropriate mix of housing, and refusal on this issue is recommended.

Other Matters

Concern has been expressed over the presence of protected species within the site. This issue was considered at the time of the outline application and, at that time, English Nature (now Natural England) accepted that a survey was not necessary, and advised that appropriate conditions / notes to applicant be attached (these required the submission of details for replacement bat habitat, the checking of trees prior to felling for bats, and the cessation of work should any protected species be found). As any impacts upon protected species have already been mitigated against at the outline stage, there is no reason why it should be considered further at the reserved matters stage. Furthermore, whilst no further measures can reasonably be required via the planning process, the existing outline permission does not affect any statutory protection contained within ecological legislation.

Concerns have been raised over surface water run-off and flooding issues within the site. Severn Trent Water has no objections to the proposals subject to the imposition of a condition requiring the submission of drainage plans for approval prior to commencement; such a condition would not be necessary, however, having already been attached to the outline planning permission (Condition 4).

For its part, the Environment Agency had raised objection to the application on the grounds that the submitted details did not indicate the use of appropriate Sustainable Drainage Systems (SUDS), for example incorporation of a balancing pond and / or swales etc. However, this objection has now been withdrawn.

Regardless, however, on the basis that details of drainage are required to be submitted for approval pursuant to Condition 4 of the outline planning permission, it is considered that this matter is addressed under the outline planning permission in any event and, therefore, would not be an appropriate reason for refusal in respect of this reserved matters application. In practice, were reserved matters approval to be granted, the developers would need to make an application to discharge Condition 4 of the outline planning permission before works could commence. If, at that stage, the submitted drainage scheme (whether including SUDS measures or not) was unacceptable to any relevant consultees (i.e. Severn Trent Water or the Environment Agency), the Local Planning Authority would, at that stage, be able to refuse approval of the drainage details.

There is no evidence to suggest that the layout proposed would result in significant levels of additional noise to surrounding dwellings and the Environmental Health Officer has no objections to the development providing that a detailed scheme for sound insulation is submitted to protect the proposed dwellings from existing noise sources (principally from the M1 motorway and aircraft). A condition to this effect was included in the outline application and would therefore not need to be replicated in any reserved matters approval.

With regards to neighbour concerns raised but not addressed above, the presence of containers on the site is the subject of a current investigation by the Authority's Planning Enforcement team, no Environmental Statement has been submitted as the scheme would not be of a scale which would usually be considered to constitute EIA development, and the site's sustainability in terms of housing has already been established at the outline stage.

Conclusion

Therefore, taking all of the above into account, the proposed reserved matters application is considered unacceptable on the grounds of substandard density having regard to local and national policies which seek to ensure that residential development is undertaken in a way which makes the best use of land, the resulting impacts on the ability of the site to deliver affordable housing, poor design (given the proposed scheme's Building for Life rating of "Poor") and the proposed housing mix, which would not provide for any low cost market housing, currently required to meet the needs of the village. As such it is recommended that the reserved matters application be refused.

RECOMMENDATION - REFUSE, for the following reason(s):

- 1 Policy H6 of the North West Leicestershire Local Plan seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account a range of factors. This policy reflects advice in Planning Policy Statement 3 – Housing. Whilst the site contains a number of protected trees, and is located in an area where older low density developments already exist, the proposed development would result in a net density of less than 14 dwellings per hectare, representing an unacceptably inefficient use of land, contrary to the aims and intentions of Local and National policies contained within North West Leicestershire Local Plan Policy H6 and PPS 3, designed to ensure that new residential development is delivered in an efficient manner.
- 2 Policy H7 of the North West Leicestershire Local Plan and Planning Policy Statement 3 – Housing seek to achieve good quality design in new residential development. The proposed development, when assessed against the relevant criteria for design of new residential development as set out in Building for Life, would achieve a rating of "Poor" and result in an unacceptable form of development contrary to the provisions of Policy H7 of the North West Leicestershire Local Plan and PPS 3.
- 3 Planning Policy Statement 3 – Housing requires that proposals for market housing reflect demand and the profile of households requiring market housing, that the mix of housing contributes to the creation of mixed communities, and that Local Planning Authorities should take account of the need to deliver low cost market housing as part of the housing mix. The proposed development would provide solely for larger, detached dwellings, and would not provide for a mix of units that would meet the current needs of the area, including any low cost market housing, contrary to the requirements of PPS 3.

Residential development, amenity open space, pocket park with open space and equipped play area, structural landscaping, balancing pond, new highway access, roads and footpaths (outline application with all matters reserved)

**Report Item No
B3**

**Land At Lower Packington Road And Packington Nook Lane
Ashby De La Zouch Leicestershire LE65**

**Application Reference
09/00473/OUTM**

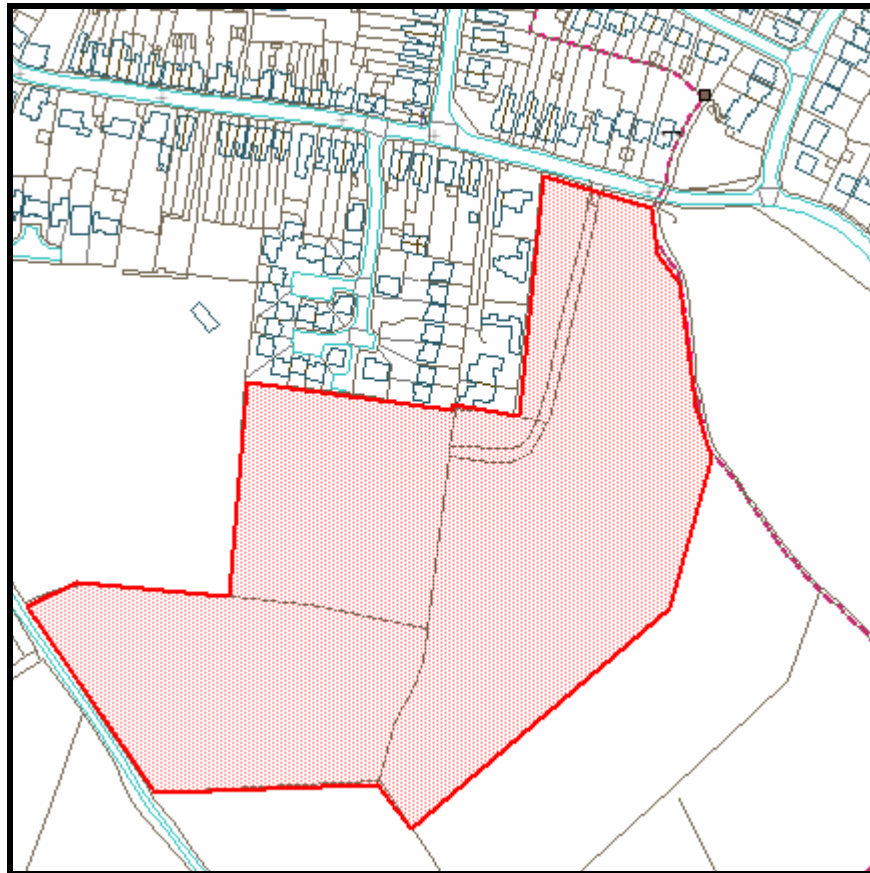
**Applicant:
Hallam Land Management LTD**

**Date Registered
15 May 2009**

**Recommendation:
REFUSE**

**Target Decision Date
14 August 2009**

Site Location



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1. Proposals and Background

The application site, which comprises some 5.83 hectares of predominantly agricultural land to the north west of Mill Farm, is situated at the southern periphery of Ashby de la Zouch and is located outside the limits to development for the town as defined in the adopted North West Leicestershire Local Plan. The irregular shaped site is bounded to the east and south by field areas and to the north by Lower Packington Road and Western Close. The 'stepped' western boundary adjoins residential properties served off a private drive from Lower Packington Road, Western Park and Packington Nook Lane; the latter continuing southwards as a bridleway (O70) to Packington. The Gilwiskaw Brook, which flows along part of the eastern boundary of the site, is a tributary of the River Mease which is designated a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI).

The application site formed part of larger site of 61 hectares the subject of an application submitted in November 2008 for outline planning permission (with all matters reserved) in respect of a mixed use development including residential development of approximately 1000 dwellings, a local centre with retail, business, healthcare and community uses, expansion of Willesley County Primary School, sport's pitches, community park, public open space and play areas, woodland planting and landscaping, balancing ponds and flood alleviation works, new highway access onto Measham Road and Lower Packington Road and provision of estate roads, footpaths and cycleways (application ref: 08/01588). The submission indicated that the housing would be a mix of types from 1-bed to 5-bedroom properties and that the development would result in the proposed closure of a section of Lower Packington Road.

An appeal against the non-determination of the application is to be subject of an eight day public inquiry in October this year and at its meeting of 2 June 2009, the Planning Committee resolved that had the District Council been in a position to determine the scheme then the application would have been refused planning permission on the following grounds :-

1. The application site is on unallocated greenfield land located outside the limits to development of Ashby de la Zouch as defined in the adopted North West Leicestershire Local Plan and is therefore within the open countryside. The proposed development of the site would be contrary to Policy S3 of the adopted North West Leicestershire Local Plan.
2. Notwithstanding the fact that there is not presently a five year supply of deliverable housing land, the proposed development of this site conflicts with the spatial vision of the adopted East Midlands Regional Plan (March 2009), which seeks to direct the majority of new housing development to the Coalville sub-regional centre in the plan period 2006-2026.
3. The proposal would be detrimental to the landscape character of the area. Furthermore, it is considered that this application is contrary to the government guidance in PPS7 which seeks to protect the countryside from inappropriate development and to protect the countryside for its own sake.
4. This proposed expansion of Ashby de la Zouch would also be detrimental to the character of town as the development proposal is out of scale with the existing settlement. The development would therefore be contrary to Policy 3, Policy 12 and Policy Three Cities SRS3 of the adopted East Midlands Regional Plan (March 2009).
5. The development proposed would be unsuitable in terms of environmental sustainability given there is likely to be a considerable reliance on the private car to the serve the development. The proposed development would therefore be contrary to government guidance in PPG13, PPS3 and to Policy H4/1 of the adopted North West Leicestershire Local Plan.

6. The applicant has not demonstrated that the application site is the most appropriate development site from a sustainability perspective and as such the proposal is contrary to the government guidance in PPS1 and PPG13 and to Policy H4/1 of the adopted North West Leicestershire Local Plan. Consequently, the approval of this development scheme may prejudice the development of other potentially more sustainable sites within the District of North West Leicestershire which will be determined as an integral part of the Local Development Framework process, including Sustainability Appraisal. Any approval would also be contrary to government advice set out in document 'The Planning System: General Principles.'

7. The development submissions provide insufficient information to demonstrate that the development would not be to the detriment of the internationally important interest features of the River Mease Special Area of Conservation, or any of the features of special scientific interest of the River Mease Site of Special Scientific Interest. As such the development would be contrary to Policy 33 of the adopted East Midlands Regional Plan (March 2009).

8. The Highways Agency directs that planning permission is not granted as there are unresolved transportation issues in relation to the impact of the scheme in relation to the use of the Junction 13 of A42. Furthermore, the County Highway Authority advises that there is inadequate information upon which to assess the impact of the development on the existing highway and transportation network. As such the development submissions fail to demonstrate that the development would be acceptable in terms of highway safety and would thus be contrary to Policy T3 of the adopted North West Leicestershire Local Plan which states inter alia that development, including that of allocated sites, will be permitted only where its highway design and layout make adequate provision for vehicular access and circulation, and servicing arrangements.

9. Government guidance in Planning Policy Guidance Note 16: Archaeology and Planning indicates that development will only be acceptable in areas of archaeological potential if a proper evaluation of the archaeological implications of proposed developments have been undertaken prior to the determination of the application. The development submissions provide insufficient information to ensure that archaeological potential of the site is given future consideration.

10. The development submissions provide insufficient information to demonstrate that having regard to the impact of the noise generated by the A42 that the proposed development would provide acceptable living conditions for residents of dwellings on the site in relation to the use of private and public amenity areas. As such the proposed development would be contrary to Policy E3 of the adopted North West Leicestershire Local Plan.

This current application (ref: 09/00473) for outline planning permission (with all matters reserved) relates to a proposal comprising residential development (of approximately 115 dwellings), amenity open space, pocket park with open space and equipped play area, structural landscaping, balancing pond, new highway access, roads and footpaths. Indicative layout plans show that the development would be likely to have vehicular/pedestrian access off Lower Packington Road with potential pedestrian links to Western Close, Western Park and Packington Nook Lane.

The proposed residential element of the scheme would occupy an area of approximately 3.62 ha of the total site. It is proposed that the average density would be 32 dwellings per hectare and that there would be 40% provision for affordable housing. The Design and Access Statement states that there would be 'occasional' 2.5 or 3 storey buildings' and the Landscape

and Visual Impact Assessment states that the maximum building heights of 3 storeys would 'respond to Ashby's local character and vernacular'. All housing would be designed to level 3 having regard to the Central Government's code for sustainable homes. It is proposed that 10% of the on site energy demand would be met from renewable sources. It is also indicated that a Sustainable Urban Drainage System will be incorporate within the development and that 20% of the site area would be dedicated to National Forest planting.

To accompany the application, the applicants submitted a design and access statement, a planning statement, an ecological appraisal, appropriate assessment (in respect of the River Mease SAC), a flood risk assessment, archaeological desk based assessment, statement of community involvement, transport assessment, travel plan, service supply statement, noise and air quality report, landscape and visual impact assessment and tree survey and assessment. The application is also accompanied by a draft Section 106 Agreement which provides for the proposed provision and management of open space, healthcare, primary and secondary school education and community facilities, although no specific figures are outlined in the documentation. The submissions propose that affordable housing provision could be secured by a condition of any planning permission.

The applicants in the conclusions to the Planning Statement submit that :-

"The proposed development is a sustainable urban extension which aims to contribute to meeting the District housing requirement and also provide a mix of type and scale of new housing to meet local housing needs including affordable housing, special needs housing and housing for the elderly. This is in line with economic, social and environmental objective to improve people's quality of life.

At the same time the development seeks to facilitate and promote sustainable and inclusive patterns of development by protecting and enhancing the natural and historic environment and ensuring high quality development through good and inclusive design and the efficient use of resources. In the particular the development will:-

- provide high quality housing that is built to a high standard;
- provide a mix of both market and affordable housing the support a wide variety of households;
- contribute to meeting local need and demand for housing and improve choice;
- be in a sustainable location that offers a good range of community facilities and with good access to jobs, key services and infrastructure.

A total of up to 40% affordable homes will be provided

The development will seek to achieve a mix of housing densities providing mainly terraced, semi-detached and detached family housing. A minimum net overall density of 32 dwellings per hectare will be achieved.

The development s proposed to be carried out on a phased basis over a period of about 2 years from 2010 and will therefore contribute to meeting the requirement upon the LPA (Local Planning Authority) to maintain a 5 year supply of deliverable sites.

The consultants' reports have demonstrated that there will be no serious harm to the environment as a result of the development and most impacts can be suitable mitigated to a neutral or beneficial position.

This statement has demonstrated that the proposal is in general conformity with the development plan and the emerging Regional Spatial Strategy. It will introduce flexibility and choice into the housing supply in North West Leicestershire District and most importantly will provide greater certainty that housing provision targets will be achieved.

Whilst the LDF will identify further strategic housing sites the repeated slippage in the timescale of the process means that meeting the Regional Plan housing requirements for the next 5 years is not achievable in practice through the LDF process. Additional sites need to be released now to contribute to the period up to 2013. The release of the site at this stage will not compromise the overall strategic distribution of housing in the District and PPS3 confirms that Local Planning Authorities should not refuse planning applications solely on the grounds of prematurity.

This is a sensitively and thoroughly prepared proposal that will have very little impact upon the environment. It complies with planning policy and for all these reasons planning consent should be granted.”

Subsequent to the original submission of the application, a revised Flood Risk Assessment was received in the light of the objections raised by the Environment Agency (see below).

2. Publicity

214 Neighbours have been notified.

Press Notice published 27 May 2009

Site notice posted 27 May 2009

3. Consultations

Ashby de la Zouch Town Council consulted 19 May 2009

County Highway Authority consulted 20 May 2009

Environment Agency consulted 20 May 2009

Severn Trent Water Limited consulted 20 May 2009

Head of Environmental Protection consulted 20 May 2009

Natural England consulted 20 May 2009

TREE OFFICER consulted 20 May 2009

County Archaeologist consulted 20 May 2009

LCC ecology consulted 20 May 2009

Airport Safeguarding consulted 20 May 2009

David Boyson consulted 20 May 2009

Urban Designer consulted 20 May 2009

East Midlands Regional Assembly consulted 20 May 2009

County Planning Authority consulted 20 May 2009

LCC Development Contributions consulted 20 May 2009

NHS Leicester, Leicestershire And Rutland Facilities Consor consulted 20 May 2009

Development Plans consulted 20 May 2009

Head Of Leisure And Culture consulted 20 May 2009

Manager Of Housing North West Leicestershire District Council consulted 20 May 2009

Police Architectural Liaison Officer consulted 20 May 2009

LCC/Footpaths consulted 20 May 2009

Highways Agency- Article 15 development consulted 20 May 2009

Mrs Ellie Brothwell Packington Parish Council consulted 19 May 2009

National Forest Company consulted 20 May 2009

Julie Tanner Head Of Urban Policy And Planning Team consulted 20 May 2009

Sport England- loss of playing field consulted 9 July 2009

4. Summary of Representations Received

Ashby de la Zouch Town Council raise objections on the following grounds

1. Premature until LDF (Local Development Framework) produced
2. Unsatisfactory access and proposal would create problems with established traffic
3. Lack of detail.

Packington Parish Council raise objections for the following reasons :-

- (1) Areas of separation - The area of separation between Packington and Ashby De La Zouch would be seriously eroded and the two areas would be practically seen as one. The village of Packington could lose its own identity and be seen as a suburb of Ashby.
- (2) There would be a significant increase in traffic to the area. In particular it is believed that people will use local roads in the village to access the A511
- (3) Packington is an area of natural beauty the application may have a negative impact on this.
- (4) There are already a lack of amenities such as doctors/dentists in the area.
- (5) There are already problems with sewage overflow in Packington and when there has been heavy rainfall the manhole cover at Vicarage Lane blows and sewage seeps out. On occasions this has reached the brook.

East Midlands Regional Assembly (EMRA) comments that it is understood that this site forms part of a larger site which has been the subject of a planning application for a mixed use development by the applicants (and now subject of an appeal). In this case if this proposal for 115 dwellings is considered on its own merits and subject to the local planning authority being satisfied that it is not a 'foot in the door' application it would fall outside the threshold for development which the Assembly regards as being of strategic importance and the Assembly would not therefore wish to comment on this occasion.

EMRA indicates that it would, however, wish to be consulted in the event that planning permission for this proposal is granted and any further applications are submitted in the short term which would lead incrementally to a mixed use development of the scale EMRA have previously commented on.

East Midlands Development Agency advises that in terms of the scale of the development proposed this application falls below the level considered to be of regional and sub-regional economic significance.

Leicestershire County Council (Policy) - no comments received on planning policy matters to date. Any comments that are received will be reported to the Committee on the update sheet. In relation to infrastructure matters, Leicestershire County Council seeks commuted sums towards Civic Amenity Site infrastructure on the basis of £92.71 per dwelling and towards library facilities on the basis of 1 bedroomed houses (£27.18 per house), 2 bedroomed houses (£54.35 per house), 3/4/5 bedroomed houses (£63.41 per house), 1 bedroomed apartments (£27.18 per apartment), 2 bedroomed apartments (£54.35 per apartment) and 3/4/5 bedroomed apartments (£63.41 per apartment).

In relation to education facilities, the County Council comments that at the present time the local primary, high and upper schools are full and are forecast to remain so. The County Council therefore seek a total education requirement of £750,720 (based on 115 houses with two or

more bedrooms) comprising a Primary School requirement of £333,960 for Willesley Primary School, a High School requirement of £205,620 for facilities at Ashby Ivanhoe High School and a Upper School requirement of £211,140 for Ashby School. (The County Council point out the request does not take into account the larger Hallam Site - application ref: 08/01588 that is proceeding to appeal - as this larger site will significantly impact on requests for education contributions in this area).

The Environment Agency raised objection to the original submissions given the absence of an acceptable Flood Risk Assessment. Following the submission of the revised Flood Risk Assessment, the Environment Agency were reconsulted and advise that subsequent to its earlier objection additional information has been received in respect of water quality, the capacity of Packington Sewage Treatment Works and the effect on the River Mease SAC. Specifically, the Environment Agency advises that:-

“The River Mease has been designated a Special Area of Conservation (under the EU Habitats Directive 92/43/EEC) which includes the Gilwiskaw Brook downstream of Packington Sewage Treatment Works and the River Mease downstream of the confluence with the Gilwiskaw Brook to the confluence with the River Trent. Following a Review of Consents and once actions associated with the Review are in place (by 2015 at the latest), the River Mease SAC will still be classed as ‘unsatisfactory’ and will not be compliant with the requirements of the Habitats Directive.

Also, the Water Framework Directive River Basin Management Plans that will be finalised and adopted between now and 2010/2011 will require that the water courses in the district will continue to show improvements in overall quality in line with the quality standards specified in these documents.”

Accordingly, the Environment Agency now raises an objection to this application as submitted because the proposed development involves a connection to the main foul sewerage system which would pose an unacceptable risk of pollution to water quality and we recommend that planning permission should be refused on this basis.

Natural England objects to the proposed development because it could/would have an adverse effect on the integrity of the European site (namely the River Mease Special Area of Conservation). Natural England comments that on the information available, it is of the opinion that the proposed development is not directly connected with or necessary to site management for nature conservation, and is likely to have a significant effect on the interest features for which the site is internationally designated. The local planning authority should therefore undertake an appropriate assessment of the implications of the proposals in view of the site's conservation objectives.

Natural England in its consultation response outlines the matters that should fall within the scope of the appropriate assessment and advise that the information provided in the application submission to assist the production of an appropriate assessment is comprehensive and, for the most part sound. However Natural England advises that there are some inaccuracies in the information and some further work that needs to be undertaken. Consequently it is Natural England's opinion that the appropriate assessment will not be able to ascertain that the proposed development would not adversely affect the integrity of the European site.

In relation to other impacts of the scheme Natural England comments that it is encouraging to see that the applicants are proposing the incorporated green infrastructure as part of the scheme. Natural England particularly welcomes the retention of hedgerows, the creation of

habitats within the balancing ponds and other areas and the proposed rights of way links. Natural England nevertheless advises that insufficient detail has been provided on the green infrastructure for the organisation to advise the Council on the suitability of the plans. Natural England needs to see an indication of the species that will be used and reference to the contribution that the scheme will make to BAP targets. Natural England also needs to understand the management that will be included, in the form of an indicative management plan, to achieve the desired biodiversity benefits. The action plan should state the aims and objectives of the habitat creation as well as the management activities to achieve these objectives. Natural England advises that, in addition to the above requirements the local planning authority refuses the application (on these grounds) until this information has been provided.

Severn Trent Water Ltd raises no objections in principle.

East Midlands Airport seeks further information relating to the aerodrome safeguarding categories of obstacle limitation surfaces, bird strike hazards and wind turbines.

County Ecologist comments that the main potential impact of this development is on the Gilwiskaw Brook, which is a headwater of the River Mease SAC, and as such an appropriate mitigation scheme needs to be in place to address impacts on the water flow, water volumes (including sudden changes in volume, or 'flashiness'), water quality, sediment loading and natural state of the watercourse. In respect of any mitigation scheme the County Ecologist would defer to Natural England and the Environment Agency on effectiveness. The County Ecologist recommends that a planning condition requiring the approved drainage/SUDS system to be in place and fully functioning prior to the commencement of development.

Council's Environmental Services Manager raises no objections in principle in relation to land contamination and noise issues.

Highways Agency comments that it has some concerns regarding the information provided in the Transport Assessment; however, given the scale of the development and the likely impact on the Strategic Road Network, it is satisfied that the proposed development is not expected to have material impact on the closest strategic route, the A42.

County Highway Authority recommends refusal on the basis that there is inadequate information on which to assess the impact of the development on the existing highway and transportation network. Specifically, the Highway Authority considers that the submitted Transport Assessment does not give a true reflection of the proposed development's impact on the transport network.

County Council's Right of Way Officer advises that no public rights of way would be directly affected by the proposed development and therefore there are no detailed comments to make upon this application.

Primary Health Care Trust state that there is a need within Ashby de la Zouch for a new healthcare facility, and therefore request that consideration be given under this planning application for the incorporation of a healthcare facility, such facility to be agreed with the Trust. The Primary Health Care Trust also comment that if agreement cannot be reached on the healthcare facility to be provided then the Trust would wish to reserve the right to request an alternative financial contribution instead that might be applied to an alternative location, if such location can be found by, or for, the Trust. Such a financial contribution sought would be based on the sums of £583 per 1/2 bedroom dwelling, £1,167 per 3/4 bedroom dwelling and £1,750

per 5 bedroom (or more) dwelling.

District Council's Housing Division advises that it will be seeking 40% of the total provision on the site as affordable housing in accordance with the adopted SPD and comments that early results from the Leicestershire Strategic Housing Market Assessment indicate that the tenure split of the affordable proportion should be 80% provided as social rented and 20% as low cost home ownership. A mixture of property types would be sought.

The Housing Division nevertheless also comment that in light of the current economic conditions and the lack of mortgage availability, that they are aware that traditional forms of shared ownership/Homebuy products are proving difficult to sell. With this in mind the Housing Division would seek to ensure that any Section 106 agreement allowed for some flexibility in the definition of the form that the low cost home ownership element should take. As the situation stands at the present the Division would be looking for wording that allowed such properties to be made available in the short term as intermediate rented or to assist home ownership in the form of rent to buy properties.

The Housing Division also advises that the 'on site' provision of affordable housing is normally the preferred delivery mechanism, however, it is pointed out that the situation in Ashby de la Zouch is slightly different. The town is a rural market hub and one that has a wide impact on the areas that surround it. Affordable housing need within Ashby is drawn from the villages and rural areas in the District as well as from residents currently living within the settlement itself. Accordingly, as part of the Council's commitment to providing housing choice in the Districts small rural settlements the Housing Division will be seeking an 'off site' financial contribution (commuted sum), for a quarter of the 40% affordable housing contribution to be provided on the site. However, it is pointed out that such an 'off site' financial contribution would not be sought if the development provided for an appropriate extra care scheme on the site itself.

District Council's Head of Leisure and Culture seeks a commuted sum of £1,100 per dwelling towards the enhancement of local community leisure facilities.

County Archaeologist advises that the archaeological work commissioned by the applicants to date has concluded that the site has "a low potential for all (archaeological) periods" and whilst further detailed survey work is required prior to the submission of any future full or reserved matters application it is considered that this work could be the subject of conditions of any grant of outline planning permission.

Leicestershire Constabulary Architectural Liaison Officer indicates that the Constabulary would seek the opportunity to be consulted again once a detailed scheme has been submitted at a reserved matters stage. Leicestershire Constabulary also seek a financial contribution of £69,690 (i.e. £606 per dwelling) to be included within any Section 106 Agreement towards police resources as it considered that the current Police Station in Ashby de la Zouch will not be able to cope with the increase in growth of this development.

The National Forest Company states it commented in detail on a larger scale planning application on the site and the same principles would apply to the current proposals. The National Forest Company would wish to see this application assessed in relation to the scale and location of new housing proposed through the growth agenda for North West Leicestershire. The National Forest Company would also want to be assured that the potential landscape, ecological and other environmental impacts that were originally raised have been overcome in considering this smaller scale development proposal.

With regard to the landscaping proposed within the development, the National Forest Company indicates that it is pleased to see that the developer is willing to meet the National Forest development planting guidelines (20%) and that a total area of 2.13ha of the 5.28ha site is proposed for green infrastructure.

The National Forest Company also notes at this stage all matters are reserved and comments that it would expect to be involved in more detail discussions about landscape design should the development proceed.

Sport England - no representations received to date. Any comments that are received will be reported to the Committee on the update sheet.

Packington Flood Action Team object to the scheme as it feels the development will exacerbate the flooding problem caused by the development of Ashby de la Zouch. Any development must positively contribute to reduce flooding and must take into consideration the associated development and urbanisation of the catchment area of the Gilwaskaw Brook. The use of individual attenuation ponds is not a solution that will allow development without increased flooding. A series of attenuation ponds in the catchment area may actually exacerbate the problem. The development will increase the size of associated services in the catchment area of the Brook, increasing the amount and speed of rainfall collection leading to increased flash flooding. This development will directly increase flooding in villages downstream such as Packington, Appleby Magna, Measham etc.

The Packington Flood Action Team therefore recommends that there is no development in Ashby until a catchment wide solution to flooding has been implemented.

A total of 174 No. Individual letters of representation have been received; of these a substantial number comprise a standard letter template, which reads as follows :-

"The application is an introductory means of providing an alternative phased approach to the wider Packington Nook site, which relates to application 08/01588/OUTM. That application attracted overwhelming objections and your authority has recommended that it be rejected.

The site is open countryside and is outside the adopted local plan. The site is prone to flooding and is sequentially less preferable on environment grounds.

Previous attempts to build on the Packington Nook site have been disallowed on the basis of loss of amenity and lack of community benefit. I refer you to previous comments of a Planning Inspector, who stated

"This proposal would give rise to a loss of countryside which is worthy of preservation for its own sake. In the light of the advice in paragraph 2.3 of PPG7 that development of rural land should maintain or enhance the countryside, that loss would clearly be undesirable."

and

"I conclude ... that the loss of attractive countryside to which this proposal would give rise would not, on the evidence before me, be outweighed by gains in highway safety and/or other community benefits."

At the time, the Inspector also expressed concern that the granting of any planning permission would open the way for the inevitable development to the A42.

The applicant makes a case for building at this site as a means of providing contribution to building land supply, which they assume cannot be met by sites already allocated by adopted local planning strategy. However, this fundamentally pre-empts the Local Development Framework process that seeks to specify which sites can be used going forward. I strongly believe it is the task of local people and their elected representatives to make decisions on strategic planning policy. Any granting of planning permission at this site – in advance of the outcome of the LDF – will set an important precedent not only for the wider Packington Nook site, but also for many other sites where developers will be encouraged to bring speculative applications.

Local Infrastructure

The site is not a sustainable urban extension, as proposed in the application. It is a significant distance from local amenities, employment, schools and healthcare facilities. This will result in occupants of houses built there needing cars to commute to work and drive to facilities, even if they are in the town.

Both Ivanhoe College in North Street and Ashby School in Nottingham Road are at a significant distance from the site and I am concerned this will discourage walking and cycling in favour of further car use. The town is already particularly congested during school travel times.

I am concerned about the effect on admissions to secondary schools in the town. As more demand upon them is made by the proposed development, the schools – already facing increased demand (in spite of demand falling elsewhere in Leicestershire) are likely to have to impose admissions criteria that may result in residency in Ashby being insufficient to guarantee a place. This will in any case affect those outside the town, who currently face uncertainty in obtaining a place at Ashby schools.

The two main nursery facilities in the town – located in North Street – are also well away from the proposed development. Most parents taking their children to and from nursery currently do so using a car. Once again, this will add to the volume of traffic in the town centre.

I am also concerned at the provision of health services in Ashby. There are currently no NHS dentists who are able to take on new patients. The General Practitioners in the town are also very stretched. The application does not take into account the cumulative effect of growth in the town on these vital services.

Amenity and environment

The site at Packington Nook is a considerable amenity to the town and is used by walkers who enjoy the countryside being close by. The assumption within the application – that the site has little value for natural habitat is strongly disputed. There have been sightings of water voles on the whole length of the Gilwiskaw Brook from the point at which it emerges from culverting under Ashby town centre. The Packington Nook site offers an important extension of the habitat provided in the River Mease SSSI south of Packington. Birdwatchers are able to enjoy a wide range of species, many of whom are on the RSPB red list (the highest conservation priority) of species needing urgent action.

The construction of buildings at this site will damage the landscape and produce enormous upheaval and distress to local residents, particularly those whose properties directly neighbour the site. The area will drop from an area of considerable amenity to a vast building site of no

amenity in a very short time and remain so for a very long time. There will be a serious and sustained detrimental effect on local property values. The prospect of re-planting, after the landscape and hedgerows have been lost, is little compensation to those affected.

Roads and cars

I consider the transport assessment made by the applicants to be very poor. The only access to the site will be by a junction with Lower Packington Road, at the north side of the site, between Avenue Road and Windsor Road. Lower Packington Road is not a main thoroughfare. Both Lower Packington Road and Avenue Road are strongly characterised by the on-street parking of residents' vehicles, on both sides of the carriageway. This creates a bottleneck, with congestion at peak times. There is also a risk to pedestrians crossing between the parked cars – particularly children walking to and from Willesley Primary School. It is inconceivable that on-street parking could be prevented on these roads.

I consider there will be a serious impact on local residents, as well as road safety, in the need for construction vehicles and delivery lorries to access the site.

Access to and from the site to the road system is otherwise very poor. As well as the problems caused by parking at Lower Packington Road and Avenue Road, any vehicles wishing to travel to services and facilities in the town, or further north to the employment areas of junction 13 of the A42, must negotiate the medieval road system including limited and congested junctions at Lower Packington Road/Tamworth Road, Bath Street/Market Street, or Upper Church Street/Wood Street.

Public Transport

The application for the site makes lengthy implications about being within walking distance of bus stops on Lower Packington Road and Tamworth Road.

These stops are served by services during the day around the town and towards Nuneaton, Burton upon Trent and Leicester. However, those services do not run into the evening and are infrequent at the weekend. There is no integration between services that would allow someone using the town circular to connect to another bus without a lengthy wait.

The response by Leicestershire County Council to the NW Leicestershire Local Development Framework states that Ashby can, in fact, be regarded as a dormitory town for the West Midlands. There are no bus services either south towards Tamworth, Birmingham and Coventry or north towards Nottingham and Derby. I therefore assume that those journeys will be undertaken by car, which will put increased pressure on the trunk road network and unsustainably add to our demands on road transport at a time when we are all concerned about the effect of carbon emissions.

The fact is that those who choose to live at the site will bring cars and use them to travel around and away from Ashby in pursuit of employment, education and lifestyle.

Flooding, sewage and SAC protection

This site is prone to flooding and the soils have a very poor retention of water. Further paving on the site will add to the existing problems caused by drainage of rainwater from Ashby into the Gilwiskaw Brook. At times of heavy rainfall, this causes flooding in Packington village.

It is vital that we protect the Special Area of Conservation for the River Mease, by restricting development that places demands on the already stretched Sewage Treatment Works at Packington and limit the flow of nitrates and phosphates into the SSSI.

Conclusion

This site is outside the adopted local plan and therefore fails to qualify on strategic grounds. It is for local strategic planning processes and not speculative applications to determine future policy on the location of housing land supply.

I understand that the applicant will expect the planning authority to regard this application as a standalone proposition, claiming it is not a "foot-in-the-door". However, it cannot realistically be separated from the clearly stated wider aspiration to develop the entire Packington Nook site.

The proposed development is not sustainable by local employment and fundamentally encourages commuting and the use of private cars. There are serious implications for the local road network and in particular Lower Packington Road and Avenue Road.

I demand that you reflect on the canvassing carried out by the Packington Nook Residents' Association, where at least 3375 local people took part and 98% were against the development of the Packington Nook site. The people of Ashby have a democratic right to be heard in these important decisions.

I object totally to the prospect of building at this site and request that the council makes every effort to not only reject the application, but to ensure that this rejection is made within the statutory timeframe required by planning processes."

The other letters of representation received raise similar objections and concerns, along with the following additional points :-

The development would result in the loss of existing views across countryside.

The land should be planted with trees to bring the National Forest up to the edge of the town.

The development would increase difficulties for local residents to park on the road outside their properties.

The development will lead to the overlooking of an existing property on Lower Packington Road.

The scheme will make the houses on Lower Packington Road look older.

Backing is given to the District Council for opposing the previous application.

Representations have also been received on behalf of Packington Nook Residents Association as well as on behalf of Nurton Developments Ltd (promoters of the Hollywell Spring Farm site in Ashby de la Zouch).

Packington Nook Residents Association

Objections are raised on the following grounds summarised below :-

The application is an introductory means of providing an alternative phased approach to the

wider Packington Nook site, which relates to application 08/01588/OUTM. That application attracted overwhelming objections and the local planning authority has confirmed its putative reasons for refusal, which will be examined at appeal.

The development of this unallocated greenfield site which is located within open countryside outside of Ashby-de-la-Zouch would be contrary to adopted and emerging Development Plan policies.

The applicants seek to justify the development on the basis it will contribute to the supply of housing land in order to deliver the numbers required by RSS8. In respect of situations where a five year supply of deliverable housing land does not exist as outlined in government guidance in PPS3, it is contended that whilst the objectives of achieving high quality housing and providing a good mix of housing could be met by the development, the site would be unsuitable in terms of environmental sustainability with a likely considerable reliance on the private car, it would be detrimental to the landscape character of the area and it would not represent the effective and efficient use of land given that national guidance provides for the strong presumption for the development of Previously Developed Land or brownfield sites for housing over greenfield ones.

With regard to planning for housing objectives, the development of this site would not be in line with the urban concentration approach set out as the spatial vision for the region in the Regional Spatial Strategy (RSS). An appeal decision from October 2008 in relation to a site in the administrative area of Blaby District Council has been submitted to illustrate the importance of compliance with these criteria whereby the inspector concluded that in accordance with the guidance set out in PPS3, residential development should be focused principally on the most sustainable locations in the District. It is pointed out that in the case of Blaby district, this is the Principal Urban Area (i.e. the edge of Leicester) whereas in North West Leicestershire, this is the sub-regional centre of Coalville. It is also pointed out that the inspector also concluded that whilst a five-year supply of housing land could not conclusively be demonstrated, this did not justify the development of a greenfield site without an assessment of the sustainability attributes of the settlement or an assessment of the affect of the development on the character and appearance of the countryside.

The approval of the scheme may prejudice the development of more sustainable sites within settlements equal in status to Ashby as identified in the emerging hierarchy of settlements (i.e. Castle Donington, Ibstock, Kegworth and Measham). It is considered that even within Ashby itself there are sites which may well be significantly more sustainable if substantial greenfield housing development is needed in the town, namely; on Leicester Road (an allocated site with a current planning application), at Money Hill (well located in relation to the town centre and essential services) and at Holywell Spring Farm (a site for approximately 500 dwellings which would be more in scale with the town). It is noted that the promoters of the schemes at Money Hill and Holywell Spring Farm have in relation to the appeal scheme put forward objections to the Packington Nook scheme as well outlining the grounds of support that they consider provide justification for the development of their own sites.

Although the application is for part of a larger proposal, it is considered that granting permission could prejudice the proper preparation of the Core Strategy by predetermining decision about the scale, location or phasing of new development which are being addressed in the policies regarding the location of new development in the district. PPS3 advises that local planning authorities should not refuse applications solely on the grounds of prematurity, however, in this case there are clearly other material considerations regarding the affect of the development.

An Appendix attached to the submissions sets out concerns and questions on behalf of Packington Nook Residents Association related to the technical documentation submitted by the applicants.

Nurton Developments Limited

Objections are raised on the following grounds summarised below :-

The Council's Core Strategy Further Consultation indicated a preferred development approach and identified sites that would be required to deliver this strategy. The Packington Nook site was not identified, however Hollywell Spring Farm - which is being promoted by Nurton Developments Limited - was as it would form an urban extension of a sensitive scale and location with the necessary facilities. The Local Development Framework submissions in respect of Hollywell Spring Farm have proven that development can be delivered without significant environmental impacts.

The evidence based approach to identifying land for future development, as part of the Local Development Framework process, is considered the correct approach and the submission of the application by Hallam Land Management is in conflict with this approach.

The proposal is on land outside the built up area of Ashby and is contrary to Policy S3 of the adopted Local Plan. The premise of this application is that presently the Council cannot demonstrate a deliverable supply of housing in the next 5 years, however, this does not necessarily justify granting planning permission at all costs.

It is recognised that this proposal overcomes many of the planning issues associated with the previous larger proposal at the Packington Nook site. However, this proposal would fail to offer adequate community benefits. Its scale means that it would result in further development to the south of Ashby without the delivery of any community facilities. As such it would place pressure on existing facilities in the town and there is no clear mechanism for considering the potential cumulative impact on facilities and securing an appropriate contribution in connection with this development.

Hollywell Spring Farm represents a real and preferable alternative to Packington Nook in planning terms. The Packington Nook site involves major new housing development, with no provision for community facilities, away from the town centre where there is no significant service provision within reasonable walking distance. The proposal is not sustainable and it is considered to be preferable to encourage larger developments which deliver significant community benefits. If developments such as this current scheme were repeated they would result in the uncoordinated and in-cohesive expansion of towns, creating unsustainable communities.

It is also pointed out that Nurton Developments Limited have made significant progress towards a planning application for Hollywell Spring Farm; however this step will not be taken until there has been further public consultation. It is considered that, if Nurton Developments were to pursue an application, Hollywell Spring Farm would be on an equal footing with Packington Nook in terms of the potential to contribute towards housing land supply, since the site is more immediately deliverable and has less infrastructure requirements. Therefore the fact that a planning application has been pursued now for Packington Nook should not place it at an advantage, when it is clearly at a disadvantage in terms of planning and environmental considerations.

5. Relevant Planning Policy

The following development plan policies and central government guidance are considered relevant.

East Midlands Regional Plan (March 2009)

The East Midlands Regional Plan was adopted in March 2009 and superseded the RSS 8 of March 2005 and the remaining policies of the Leicestershire, Leicester and Rutland Structure Plan. Like its predecessor, the Regional Plan applies the general principles for sustainable development in national guidance. Most new development should be directed to locations in and adjoining existing urban areas and the fullest use should be made of vacant and underused (brown) urban land in preference to greenfield sites. Sites well served by public transport should be a priority. The following specific policies are now considered relevant :-

Policy 1 sets out the Regional Core Objectives to secure the delivery of sustainable development in the East Midlands. This policy includes aspirations regarding several issues including the need to ensure that the existing and future housing stock meets the needs of all communities in the Region, the protection and enhancement of the environmental quality of urban and rural settlements by the enhancement of the urban fringe, the encouragement of patterns of new development that reduce the need to travel especially by car, and the protection and enhancement of the environment through protection, enhancement, sensitive use and management of the Region's natural resources, giving particular attention to designated sites of European importance.

Policy 2 (Promoting Better Design) seeks to encourage designs and layouts that reduce CO2 emissions and provide resilience to future climate change.

Policy 3 (Concentrating Development in Urban Areas) deals with the distribution of development and economic activity with new development concentrated primarily in and adjacent to the regions five Principle Urban Areas; significant development should also be located in the three growth towns of Corby, Kettering and Wellingborough; appropriate development of a lesser scale in the Sub Regional Centres and finally development needs of other settlements should also be provided for. In line with Policy 3, Coalville is the only identified Sub Regional Centre in the district. As such development in Ashby de la Zouch is to be considered under the criteria in sub section (d) of this policy whereby new development should contribute to-

- maintaining the distinctive character and vitality of rural communities;
 - respecting the quality of tranquillity, where that is recognised in planning documents;
 - strengthening rural enterprise and linkages between settlements and their hinterlands;
- and
- shortening journeys and facilitating access to jobs and services.

Policy 12 relates to Development in the Three Cities Sub Area and provides that development should support the continued growth and regeneration of Derby, Leicester and Nottingham, and maintain and strengthen the economic, commercial and cultural roles of all three cities..... Outside the Derby, Leicester and Nottingham, employment and housing development should be located within and adjoining settlements. Such development should be in scale with the size of these settlements, in locations which respect environmental constraints, in particular the River Mease Special Area of Conservation...'

Policy 13a (Regional Housing Provision) sets out a Total Housing Provision for the period 2006-2026 for North West Leicestershire of 10,200; with an annual apportionment of 510 from 2006.

Policy Three Cities SRS3 indicates inter alia that within the context of Policy 13a provision for new housing will be made in North West Leicestershire over 2006-2026: at a level of “510 dpa (dwellings per annum) located mainly at Coalville, including sustainable urban extensions as necessary.”

Policy 26 seeks to ensure that sustainable development should ensure the protection, appropriate management and enhancement of the Region’s natural and cultural heritage.

Policy 27 indicates that the historic environment should be understood, conserved and enhanced, in recognition of its own intrinsic value, and its contribution to the Regions quality of life and that across the Region development should promote sensitive change of the historic environment.

Policy 28 seeks that statutory bodies should work with all other sectors to ensure the delivery, protection and enhancement of Environmental Infrastructure across the Region in order to contribute to a high quality natural and built environment and to the delivery of sustainable communities.

Policy 29 seeks to deliver a major step change increase in the level of biodiversity across the East Midlands.

Policy 30 sets out the regional priorities for managing and increasing woodland Cover

Policy 31 seeks to provide a framework for the protection and enhancement of the region’s natural and heritage landscapes

Policy 32 sets out a the regional approach to managing flood risk

Policy 33 in relation to the Regional Priorities for Strategic River Corridors states that “the natural and cultural environment of the Strategic River Corridors of the Nene, Trent, Soar, Welland, Witham and Derwent, along with their tributaries, and rivers which contribute to river corridors of a strategic nature in adjoining Regions, should be protected and enhanced” and requires that Local Authorities and other relevant public bodies should work together across regional boundaries to protect and enhance the multi-functional importance of strategic river corridors as part of the Region’s Green Infrastructure, including for wildlife, landscape and townscape, regeneration and economic diversification, education, recreation, the historic environment including archaeology, and managing flood risk.

Policy 35 sets out the circumstances under which development should not be permitted if, alone or in conjunction with other new development, it would have an impact on flooding or flood risk. The policy also sets out the basis on which such development may be acceptable.

Policy 36 provides the basis of regional priorities for air quality.

Policy 39 states that Local Authorities, energy generators and other relevant public bodies should promote a reduction of energy usage in line with the ‘energy hierarchy’; and develop policies and proposals to secure a reduction in the need for energy through the location of development, site layout and building design.

Policy 40 establishes regional priorities for low carbon energy generation.

Policy 41 seeks to establish a framework for the regional priorities in relation to culture, sport and recreation

Policy 43 sets out the regional transport objectives and Policy 44 outlines the Sub-Area Transport Objectives for the Three Cities Sub-Area which includes the promotion of a step change increase in the quality and quantity of public transport provision and facilities to encourage walking and cycling.

Policy 45 sets out the measures to be promoted to achieve a reduction in the rate of traffic growth in the East Midlands.

Policy 46 sets out a regional approach to seek a behavioural change in travel.

Policy 48 states that Local Planning Authorities should apply the maximum amounts of vehicle parking for new development as set out in PPG13. Parking in excess of these standards should only be provided in exceptional circumstances.

Policy 49 encourages Local Authorities and service operators to improve public transport accessibility

Policy 53 outlines Regional Trunk Road Priorities and indicates inter alia that The Highways Agency, working closely with regional bodies and individual Transport Authorities and Local Planning Authorities should ensure that all highway capacity is managed effectively to reduce congestion and improve safety.

North West Leicestershire Local Plan

A number of Local Plan policies were 'saved' in September 2007 and will remain saved indefinitely until the relevant part of the LDF (Core Strategy or allocations) is adopted. Those policies relevant to this development submission are as follows :-

Policy S3 states that development will be permitted on land outside the Limits to Development, identified on the Proposals Map as Countryside only where it:-

- (a) Can be shown to be essential for the efficient long-term operation of agriculture and forestry;
- (b) Comprises acceptable farm diversification;
- (c) Is a public service or utility which cannot, for operational reasons, be accommodated within the defined Limits;
- (d) Is for recreation, community facilities, or tourism-related purposes, in accordance with the leisure and tourism policies of this Local Plan;
- (e) Is for Forest-related purposes within the National Forest, in accordance with the National Forest policies of this Local Plan; or
- (f) Involves the re-use, adaptation or conversion of rural buildings, in accordance with Policy E24 of this Local Plan.

Policy H4/1 sets out a sequential approach to the release of land for residential development,

and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere.

Policy H7 seeks good quality design in all new housing developments

Policy H8 sets out the criteria for the provision of an element of affordable housing as part of any development proposal.

Policy E2 indicates that development will only be permitted on sites where satisfactory provision is made for landscaped amenity open space in order to improve their visual character and general appearance and secure the retention of important natural features, such as trees.

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings. Further, residential development will not be permitted where any of the likely effects emanating from an existing nearby land use would be significantly detrimental to the amenities enjoyed by its occupants.

Policy E4 seeks to achieve good design in new development.

Policy E5 seeks to prevent 'over development' of sites

Policy E7 provides that all development, including that of allocated sites, should make appropriate provision for hard and soft landscaping.

Policy E8 indicates that development will be permitted only where appropriate crime prevention measures are incorporated as an integral part of the design, layout and landscaping features of the proposal.

Policy E30 seeks to prevent development which would increase the risk of flooding and remove the extra discharge capacity from the floodplain of the Black Brook, and Gilwiskaw Brook or the River Mease, Soar or River Trent.

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest.

Policy F2 states that the Council will have regard to the existing landscape character of the site and the type of development when seeking new planting.

Policy F3 seeks to secure implementation of agreed landscaping and planting schemes for new development by the imposition of planning conditions and/or the negotiation of a planning agreement.

Policy T3 states that development, including that of allocated sites, will be permitted only where its highway design and layout make adequate provision for vehicular access and circulation, and servicing arrangements. In the case of residential development, such measures should include, where appropriate, provision for traffic calming.

Policy T8 sets out the criteria for the provision of parking associated with development.

Policy T10 indicates that development will be permitted only if, where appropriate, provision is made for the requirements of effective public transport operation and the needs of passengers.

Policy T13 indicates that adequate provision for cycle parking will be required as part of proposals for commercial, industrial and public developments, and, where appropriate, high density residential developments.

Policy L21 indicates that new housing development will be required to incorporate the provision of children's play area, except where the development is a discrete site of less than 10 dwellings; or all play space needs arising from the development can be adequately met by existing facilities within walking distance.

Supplementary to these adopted Local Plan policies are the District Council's adopted Supplementary Planning Document in respect of Affordable Housing and the adopted Supplementary Planning Guidance notes on National Forest planting and open play space provision.

As members are aware a Supplementary Planning Document (SPD) was also formerly being brought forward in relation to housing land release and until the decision to withdraw this SPD in August 2007 the application of Policy H4/1 of the Local Plan effectively amounted to an embargo on the release of allocated Greenfield housing sites. Since this SPD was withdrawn the allocated site at Park Lane in Castle Donington has had an application for 275 No. dwellings approved subject to the applicants entering into a S106 agreement. Proposals have also been submitted in relation to the development of the site off Leicester Road Ashby, with an amended application for 261 No. dwellings submitted to seek to address concerns raised by the Highway Authority. The site at Bardon Grange is subject to a Planning Performance Agreement with an application of some 2000 No. dwellings expected to be submitted in 2009. Significant progress is therefore taking place in bringing forward the three largest allocated sites for development in the District.

Local Development Framework - Core Strategy

Policy Three Cities SRS 3 of the draft Regional Plan Policy stated that in North West Leicestershire, provision was required to be made for 12,200 dwellings in the period between 2001-2026 to be located mainly at Coalville, including sustainable urban extensions as necessary (as outlined above the provision of the 12,200 dwellings now relates to the period 2006-2026 in the recently adopted version of the Regional Plan).

The favoured approach in the emerging Core Strategy indicates the development split at 9800 dwellings at Coalville, 500 in Ashby, 500 in Castle Donington, 100 in Ibstock, and 50 in each of Measham and Kegworth.

Recent consultation on the Core Strategy was undertaken with a view to Full Council approving the submission document in January 2010. The recent consultation expanded on the further consultation on Issues and Options undertaken in the summer of 2007 which resulted in an overwhelming support for the Coalville Focus option. The more recent consultation, as well as some support for Option 1, resulted in concern that the Coalville focus option was not deliverable from the development industry, and the overall housing numbers in Coalville was too high from members of nearby communities. In addition the work now available as part of

Sustainability Appraisal and the 'ptolemy' transport evidence both indicate that Option 1 is not the most sustainable and will give rise to a significant number of additional trips particularly by private car.

The Emerging Core Strategy, however, presently carries limited weight given its early stage of progression.

Five-year Supply of Deliverable Land for Housing

Since 1 April 2007, and in line with the requirements of PPS3 (see also below), there has been an obligation on Local Planning Authorities to assess and demonstrate the extent to which existing plans already fulfill the requirement to identify and maintain a rolling five-year supply of deliverable land for housing. Having regard to up to date government advice and other factors, including officers knowledge of sites and historic building rates, an assessment has been undertaken and published in the Councils Annual Monitoring Report. This work has now been updated to take into account the findings of the Councils Strategic Housing Land Availability Assessment (March 2009) and the housing requirements in the now adopted East Midlands Regional plan (March 2009). Account has also been taken of the current economic conditions and, in particular, the downturn in the housing market. Sites included in the five year housing land supply fall into one of the following categories:

- An Allocated site in the adopted Local where there is evidence of deliverability within the 5 years following discussions or correspondence with the landowner or developer.
- An extant planning permission with a likelihood that this would be implemented within the five year period. Only those sites which have been granted planning permission after March 2007 have been included on the basis that if permission had been granted before then with favourable market conditions with no start, then it would not be realistic to assume that the permission will be implemented within the next 5 years when market conditions are much less favourable.
- Other brownfield sites available for development. Sites included are specific identified sites of 10 or more dwellings that are subject to a planning application and be in a location where there would be no objection in principle to granting permission. As a result many of the sites included in the Councils completed Housing Land Availability Assessment (2007) and which were assessed as likely to come forward during the next five years are excluded where they are not the subject of a planning application.

The assessment has also taken account of current market conditions which points to a reduced build rate than would have been anticipated under normal economic conditions and indicates that the present position in relation to the five-year supply of deliverable land for housing for the period between 2009 -14 that there is a shortfall of 1,251 dwellings (whereas under the policies of the now superseded Structure Plan and previous regional guidance (of March 2005) it was calculated that there was a shortfall of 86 dwellings). The implications of this shortfall are addressed in the 'Assessment' section of this report below.

National Planning Policy Guidance

Planning Policy Statement 1 (PPS 1) (Delivering Sustainable Development) deals with the Government's overall objectives for the planning system through a plan-led system, and retains the primacy of the development plan (Section 38(6) of the Planning and Compulsory Purchase Act 2004). It sets out the Government's overarching planning policies on the delivery of

sustainable development and creating sustainable urban and rural communities while achieving other objectives such as protecting and enhancing the natural environment and the quality and character of the countryside and existing communities; and ensuring that new development is located where everyone can access services or facilities on foot, bicycle or public transport rather than having to rely on access by car.

The Planning System: General Principles sets out the governments overall approach and in relation to the plan-led system. In respect of the issue of prematurity, the document deals with the matter as follows :-

“In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review, but it has not yet been adopted. This may be appropriate where a proposed development is so substantial, or where the cumulative effect would be so significant, that granting permission could prejudice the DPD by predetermining decisions about the scale, location or phasing of new development which are being addressed in the policy in the DPD. A proposal for development which has an impact on only a small area would rarely come into this category. Where there is a phasing policy, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect. (paragraph 17)

Otherwise, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached. For example:

- Where a DPD is at the consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question.
- Where a DPD has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies. (paragraph 18)

Where planning permission is refused on grounds of prematurity, the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the DPD process. (paragraph 19)”

The Supplement to PPS1, which expands the aims for sustainable development set out in the Government’s 1999 Strategy, provides (in paragraph 24) criteria against which to judge applications which are submitted in advance of Council's Local Development Framework process.

Planning Policy Statement 3 (Housing) issued in November 2006 sets out the Government’s intention to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. It is intended that previously developed land will provide sites for at least 60% of new housing.

The guidance promotes the creation of sustainable communities, locations which offer a range of community facilities with good access to jobs, key services and infrastructure. Housing

densities of 30 dwellings/ha should be used as a national indicative minimum.

Further, the guidance requires a sufficient and continuous supply of housing land to be provided to meet housing requirements, delivered through the development plan system, with a continuous five year supply of deliverable sites. Where a shortfall in the five-year supply of deliverable land for housing exists, the guidance sets out criteria for the consideration of applications for housing. In particular paragraphs 71 and 69 are relevant; the latter forming the key criteria against which applications are to be judged (and in relation to which due regard is given to fully below in the Assessment of the submission).

Planning Policy Statement 7 (PPS 7) (Sustainable Development in Rural Areas) states that development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside.

Priority should be given to the re-use of previously developed (brownfield sites) in preference to the development of greenfield sites, except where there are no brownfield sites available, or these sites perform so poorly in terms of sustainability considerations (for example in their remoteness from settlements and services) in comparison with greenfield sites.

PPG 13 (Transport) sets out the Government's intentions to secure an integrated land use-transportation policy that reduces the growth in use of the private car and encourages alternative means of transport.

Local authorities should seek to make maximum use of the most accessible sites, such as those in town centres and others which are, or will be, close to major transport interchanges and allocate or reallocate sites which are (or will be) highly accessible by public transport for travel intensive uses (including offices, retail, commercial leisure, hospitals and conference facilities).

Planning Policy Guidance Note 15 (PPG15) - Planning and the Historic Environment indicates that local planning authorities should have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest.

Planning Policy Guidance Note 16 (PPG16) - Archaeology and Planning indicates that the likely impact of any development on archaeology is a material consideration in the determination of an application for planning permission.

Planning Policy Statement 23 (PPS23) - Planning and Pollution Control sets out the key role that the planning system plays in determining the location of development which may give rise to pollution, either directly or indirectly, and in ensuring that other uses and developments are not, as far as possible, affected by major existing or potential sources of pollution.

6. Assessment

As per the application for the larger development site at Packington Nook the subject of the appeal against non-determination, it is considered that the main issues relating to the proposals are the compliance (or otherwise) with Development Plan policies, the five year housing land supply, sustainability, the impact on the built and natural environs, highway safety considerations, the archaeological implications and the impact on services and facilities. In assessing these issues due regard has again been given to the submissions made on behalf of the applicants and those parties who raised objections to the scheme.

Development Plan Policies

The application site, albeit much reduced in size in comparison with that the subject of application ref: 08/01588, nevertheless remains an unallocated site located wholly outside the limits to development for Ashby de la Zouch and therefore in the open countryside. As such the development is clearly contrary to Policy S3 of the adopted North West Leicestershire Local Plan. With regard to the identified shortfall in the five-year supply of deliverable land for housing, however, it is again necessary to consider whether in principle there is any justification to warrant a departure from the presumption against the development provided by Policy S3 in terms of the locational and sustainability attributes (or otherwise) of the site having regard to adopted and emerging Development Plan policies and central government guidance.

Policy H4/1 of the adopted Local Plan sets out criteria for a sequential approach to release of land for housing development within the framework of the development plan, whereas in national policy terms guidance within PPS1, PPS3, PPS7 and PPS13 is of relevance.

Policy H4/1 of the adopted Local Plan indicates inter alia that proposals for the development of land for housing will be determined on the basis of the following sequential approach to the release of such land to satisfy the housing requirement for North West Leicestershire:-

- “(a) previously developed land and buildings within or adjoining the town centres of Ashby-de-la-Zouch and Coalville;
- (b) previously developed land and buildings elsewhere within Ashby-de-la-Zouch and Coalville;
- (c) allocated housing and other appropriate land within Ashby-de-la-Zouch and Coalville;
- (d) allocated housing land adjoining Ashby-de-la-Zouch and Coalville;
- (e) allocated housing land within or adjoining settlements which satisfy the criteria for designation as Rural Centres, together with other appropriate land within such settlements; and
- (f) in other locations where appropriate in the context of other policies contained in the Local Plan.

At the same time, the District Council will have regard to the following criteria:

- (i) the location and accessibility of potential development sites to jobs, shops and services by modes other than the car, and the potential for improving such accessibility;
- (ii) the capacity of existing and potential infrastructure, including public transport, water and sewerage, other utilities and social infrastructure to absorb further development and the cost of adding further infrastructure;
- (iii) the ability to build communities to support new physical and social infrastructure and to provide sufficient demand to sustain appropriate local services and facilities; and
- (iv) the physical and environmental constraints on development of land.

The District Council will monitor the supply of housing land annually (to 31st March of each year). It will manage the timing of the release of appropriate housing land having regard to:

- (1) up-to-date housing land availability figures;
- (2) the latest urban capacity information;
- (3) the need to maintain an appropriate supply of available housing land;
- (4) lead times before houses will be expected to be completed and build rates thereafter;
- and
- (5) other material considerations.”

Policy H4/1 was adopted as alteration No. 3 to Local Plan in July 2005 at which time the ‘equal status’ given to Ashby de la Zouch and Coalville in the criteria of the policy in terms of the sequential approach to the release of land reflected the policies of the then current Structure

Plan. The recently adopted Regional Plan, however, places much greater emphasis on focusing development primarily on Coalville in terms of its role as a sub-regional centre in the settlement hierarchy and as the main settlement in the District (Policy 3); a focus reflected by the District Council in its Core Strategy consultation document. Given that the Regional Plan is of a more recent date than the 'saved' Policy H4/1 of the Local Plan it is considered that the regional plan should be given greater weight in relation to the sequential approach to the release of land to satisfy the housing requirement for North West Leicestershire. As such it is now considered that the unallocated site at Packington Nook, the subject of this application, at best falls within category (f) of the criteria set out in Policy H4/1 which refers to other locations where appropriate in the context of policies contained in the Local Plan.

Five Year Housing Land Supply

Insofar as monitoring of the supply of housing land is concerned, subsequent to the recent adoption of the Regional Plan the District Council has recently calculated that the present position for the five year period between 2009 -14 is that there is a shortfall of 1,251 dwellings. Indeed, the applicants contend that a justification for the project is to secure the delivery of the housing requirement set out in regional planning guidance as well as to meet local housing need for affordable housing.

Where a shortfall in the five-year supply of deliverable land for housing exists, government guidance in PPS3 (at paragraph 69) indicates that applications for housing should be considered having regard to the following considerations : -

- Achieving high quality housing
- Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people.
- The suitability of a site for housing, including its environmental suitability.
- Using land effectively and efficiently.
- Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in, and spatial vision for, the area and does not undermine wider policy objectives e.g. addressing housing market renewal issues.

This application is evaluated in terms of these criteria (in turn) as follows :-

In relation to achieving high quality housing and in respect of ensuring developments achieve a good mix of housing, it is considered that these could be met in relation to any subsequent reserved matters application. As such, the scheme could achieve these criteria.

With regard to the issue of the suitability of the site for housing, in landscape terms it is noted that when the larger site at Packington Nook was assessed as part of the Local Plan Inquiry in 1998 in his report on objections to the Local Plan the Inspector commented -

“The area between the A42 and Ashby-de-la-Zouch provides an important and attractive approach and setting to the town. That part closest to the built edge is intimate in character and contrasts to the openness beyond the A42, and contains a diverse hedgerow pattern. The result is attractive countryside right up to the built edge.”

Furthermore, the Inspector considered that as the site lies at a lower level than the existing outskirts of Ashby it helps to create a soft edge to that part of the town, as well as providing a visually attractive area of transition between the built development and the more open character of land beyond the A42. He concluded that the proposal would give rise to the loss of

countryside which is worthy of preservation for its own sake.

In relation to the site specifically the subject of this application, the development would involve leapfrogging the well established and integrated urban edge in the western part of the site into an area of open countryside with few existing urban influences, it would result in the loss of an area of relatively attractive and tranquil countryside and it would appear out of place given the fact that the lack of a defined existing boundary to the south east of the site means that the development would simply stop part of the way across an open field. Furthermore, it is considered that this application is contrary to the government guidance in PPS7 which seeks to protect the countryside from inappropriate development and to protect the countryside for its own sake.

With regard to the scale of the proposal, given the development would comprise some 115 dwellings it would not result in a substantive expansion of Ashby de la Zouch; a settlement with a population of approx 12,900 people. As such it is considered that it could not be argued that this development proposal is out of scale with the existing settlement. Further, whilst there is a clear focus in the recently adopted Regional Plan to direct new housing to Coalville as the only Sub regional Centre identified in the district in the Regional Plan; an approach reflected in the Council's favoured approach in the emerging Core Strategy, it is again considered that the scale of the development now proposed is such that the Council would not be able sustain a reason for refusal on the basis that the proposed development of this site conflicts with the overall spatial vision of the adopted East Midlands Regional Plan (March 2009). However, in locational terms the site is not well related to the existing town centre of Ashby and the associated services therein. In terms of walking distances 800m is a generally accepted as an upper limit over which most people would realistically access various amenities on foot. Taking the closest distances from the site entrance to existing amenities in the town the distances are as follows-

Bus Stop - 70m
 GP Surgery - 1,200m
 Hospital - 1,800m
 Leisure Centre - 1,210m
 Post Office - 810m
 Primary School - 0m
 Secondary School -1,600m
 Open Space - 0m
 Town Centre boundary - 290m
 Employment Area - 2,790m

It is therefore apparent that even in relation to the closest points of the development to these amenities many are not easily accessible on foot and the distances concerned would be significantly greater from those areas of the development further southwards within the application site. Further, given the scale of the development now being proposed the scheme would not bring it with any new facilities to even seek to mitigate its inappropriateness in sustainability terms.

Additionally, as the development site is only served by an hourly bus service on Lower Packington Road there is little prospect of this shortcoming being mitigated by public transport. It is therefore considered that residents of the housing on the site would be largely dependent on the private car.

Insofar as using land effectively and efficiently is concerned, national policy guidance in PPS3 and development plan policies provides for the strong presumption for the development of

previously developed land or brownfield sites for housing over greenfield ones. However, it is recognised that having regard to the need to meet the shortfall in the five-year supply of deliverable land there will be a need to allocate greenfield sites through the Local Development Framework and as such it is not considered that a reason for refusal could alone be sustained on the presumption in favour of previously developed land or brownfield sites over greenfield sites in principle. With regard to housing density, Policy H6 of the adopted Local Plan provides inter alia that housing developments on sites of 0.3 ha or more should attain net densities of a minimum of 40 dwellings per hectare within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services and facilities and a minimum of 30 dwellings per hectare elsewhere. It is noted that their supporting submissions the applicant considers a net density of 32 dwellings per hectare can be achieved. It is considered that such a density in this location may be acceptable, although given that the application submission is an outline application with all matters reserved it is considered that the Council could seek a density of 40 dwellings per hectare in relation to any future reserved matters submission. Accordingly, it is considered that the proposal could in principle provide for the use of land effectively and efficiently.

Sustainability

Having regard to the issue of sustainability, the Supplement to PPS1 (at paragraph 24) provides criteria against which to judge applications which are submitted in advance of Council's Local Development Framework process; namely :-

- The extent to which existing or planned opportunities for decentralized and renewable or low carbon energy could contribute to the energy supply of development
- Whether there is, or the potential for, a realistic choice of access by means other than the private car and for opportunities to service the site through sustainable transport;
- The capacity of potential and existing infrastructure (including water supply, sewage and sewerage, waste management and community infrastructure such as schools and hospitals) to service the site in ways consistent with cutting carbon dioxide emissions and successfully adapting to likely changes in the local climate;
- The ability to build and sustain socially cohesive communities with appropriate community infrastructure, having regard to the full range of local impacts that could arise as a result of likely changes in the climate;
- The effect of development on biodiversity and its capacity to adapt to likely changes in the climate;
- The contribution to be made from existing and new opportunities for open space and green infrastructure to urban cooling, SUDs, and conserving and enhancing biodiversity; and
- Known physical and environmental constraints on the development of land such as sea level rises, flood risk and stability, and take a precautionary approach to increases in risk that could arise as a result of likely changes to the climate.

It is noted that it is proposed the housing is intended to be constructed to Code Level Three of the Code for Sustainable Homes and 10% of the on site energy would be met from renewable sources. However, it is considered that the applicant has not demonstrated that this application is in accordance with all of the above criteria, in particular in relation to the issue as to whether there is, or the potential for, a realistic choice of access by means other than the private car and for opportunities to service the site through sustainable transport.

The site is not well related to the existing town centre with its facilities and the employment areas in Ashby are also located further than the 800m recognised as a reasonable maximum walking distance. It is considered that any employment opportunities would not be easily

accessible on foot.

Also the fact that the application is in outline form with no end developer or housebuilder confirmed means it is difficult to judge whether the Code level three and renewable energy intentions, together with the 40% affordable housing, and infrastructure works will make the scheme unviable and therefore undeliverable with all the benefits stated by the applicants, particularly as the applicants would be seeking a commitment from a housebuilder in the present economic climate.

Government guidance in PPG13 seeks to encourage development to be located in a way which helps to promote more sustainable transport choices; promote accessibility to jobs, shopping leisure facilities and services by walking, cycling and public transport and to reducing the need to travel particularly by car. For the reasons outlined above in assessing the relationship between the application site and the existing services in Ashby de la Zouch town centre and employment sites, it is also considered that the application does not accord with this guidance. In addition to this there is evidence that developments in Ashby particularly to the south of the town would reinforce the unsustainable transport choices of residents commuting long distances particularly to the West Midlands in the private car.

In conclusion, therefore, the scheme is not considered to provide the necessary benefits in locational nor sustainability terms which would outweigh the presumption against the development provided by Policy S3 of the adopted Local Plan. Furthermore, the approval of this development scheme may prejudice the development of other potentially more sustainable sites within the District as the application has been submitted before the District Council has determined through the Local Development Framework process the scale, suitability and appropriate location for any development in Ashby de la Zouch and elsewhere in the district to meet future growth requirements.

Impact on the Natural Environs

As outlined above in assessing the proposals in relation to the criteria set out at paragraph 69 of PPS3, the proposal would give rise to the loss of countryside which is worthy of preservation for its own sake and as such would be contrary to government advice in PPS7.

The County Ecologist comments that the main potential ecological impact of this development is on the Gilwiskaw Brook, which is a headwater of the River Mease SAC, and as such appropriate mitigation schemes need to be in place and in this respect the County Ecologist would defer to Natural England and the Environment Agency on the effectiveness of the scheme. In this respect, Natural England raises objection because it is considered that the application submissions do not provide adequate information to demonstrate that the development would not be to the detriment of the internationally important interest features of the River Mease Special Area of Conservation, or any of the features of special scientific interest of the River Mease Site of Special Scientific Interest. The Environment Agency also raised objection to the originally submitted application given the absence of a completely acceptable Flood Risk Assessment. With the submission of a revised Flood Risk Assessment, the Environment Agency was re-consulted and now indicates that it wishes to raise objection to this application as submitted because the proposed development involves a connection to the main foul sewerage system which would pose an unacceptable risk of pollution to water quality.

In relation to other impacts of the scheme, Natural England raises concerns that insufficient detail has been provided on green infrastructure provision, in particular an action plan is lacking which should state the aims and objectives of habitat creation as well as the management activities to achieve these objectives. Natural England recommends that the Council refuses the

application on these grounds until this information has been provided, however, it is considered that in respect of this matter the provision of the necessary information could be secured by a condition of any grant of planning permission. The Council's Environmental Services Manager raises no objections in principle in relation to land contamination issues and it is noted that the proposed National Forest planting would be at the appropriate level.

Impact on the Built Environs

With regard to the physical relationship between the proposed residential development and existing surrounding development, it is considered that the dwellings could be satisfactorily accommodated on the site in any detailed proposal to ensure the development would not comprise the amenities of existing and future residents. There are no rights to a view across existing countryside.

With regard to potential noise impacts, given the distance of separation between the A42 and the boundaries of the application site, there would be unlikely to be sufficient impact on the future amenities of residents to warrant a refusal of permission on noise impact grounds. The request of East Midlands Airport for further information relating to the aerodrome safeguarding categories of obstacle limitation surfaces, bird strike hazards and wind turbines could be addressed at any reserved matters stage.

Highway Safety Matters

The Highways Agency comments that given the scale of the development it is satisfied that the proposed development is not expected to have material impact on the closest strategic route, the A42. The County Highway Authority again, however, recommends refusal on the basis that there is inadequate information upon which to assess the impact of the development on the existing highway and transportation network.

Archaeology

The County Archaeologist advises that the archaeological work commissioned by the applicants to date has concluded that the site "has a low potential for all (archaeological) periods" and whilst further detailed survey work is required prior to the submission of any future full or reserved matters application it is considered that this work could be the subject of conditions of any grant of outline planning permission.

The Impact on Services and Facilities

In relation to infrastructure matters, Leicestershire County Council seeks commuted sums towards Civic Amenity Site infrastructure on the basis of £92.71 per dwelling and towards library facilities on the basis of 1 bedroomed houses (£27.18 per house), 2 bedroomed houses (£54.35 per house), 3/4/5 bedroomed houses (£63.41 per house), 1 bedroomed apartments (£27.18 per apartment), 2 bedroomed apartments (£54.35 per apartment) and 3/4/5 bedroomed apartments (£63.41 per apartment).

In relation to education facilities, the County Council comments that the local primary, high and upper schools are full and forecast to remain so and therefore seeks a total education requirement of ££750,720 (based on 115 houses with two or more bedrooms) comprising a Primary School requirement of £333,960 for Willesley Primary School, a High School requirement of £205,620 for facilities at Ashby Ivanhoe High School and a Upper School requirement of £211,140 for Ashby School.

The Primary Health Care Trust state that there is a need within Ashby de la Zouch for a new healthcare facility, and therefore request that consideration be given under this planning application for the incorporation of a healthcare facility. The Primary Health Care Trust also comment that if agreement cannot be reached on the healthcare facility to be provided at the site then the Trust would wish to reserve the right to request an alternative financial contribution instead that might be applied to an alternative location. Such a financial contribution sought would be based on the sums of £583 per 1/2 bedroom dwelling, £1,167 per 3/4 bedroom dwelling and £1,750 per 5 bedroom (or more) dwelling.

With regard to formal play area provision, it is considered that the necessary facilities can be accommodated in line with the requirements of Policy L21 of the Local Plan and the District Council's supplementary planning guidance. In relation to the local leisure facilities, the District Council's Head of Leisure and Culture effectively seeks a commuted sum of £1,100 per dwellings towards the enhancement of local facilities.

With regard to affordable housing, the Housing Division advises that it will be seeking 40% of the total provision on the site as affordable housing with a tenure split of 80% provided as social rented and 20% as low cost home ownership. The Housing Division also advises that whilst the 'on site' provision of affordable housing is normally the preferred means of delivery given that affordable housing need within Ashby is drawn from the surrounding locality as well as from residents currently living within the settlement itself a commuted sum ought to be secured in lieu of 25% of the affordable housing provision. The monies could then be used to provide affordable housing in surrounding settlements, although such a payment in lieu would not be relevant if an appropriate extra care scheme is provided on the site itself.

It is also noted that Leicestershire Constabulary seek a financial contribution of £69,690 (i.e. £606 per dwelling) to be included within any Section 106 Agreement towards police resources. It is not, however, considered that such a request is reasonable.

The applicants submitted a draft Section 106 Agreement to accompany the application and the resolution of relevant commuted sums and the additional payments sought by statutory consultees, along with the requirements for the provision of affordable housing and formal play area provision would need to be addressed in progressing towards the completion of any final Section 106 Agreement. At this stage, however, in the light of the policy and technical objections to the scheme outlined in this report officers have not sought to progress these matters with the applicants.

Conclusion

In comparison to the previous application relating to the larger development site at Packington Nook (application ref: 08/01588), the current application submissions have not given rise to suggested grounds of 'refusal' in relation to archaeology and noise impacts. Furthermore, given the reduced scale of the development the Highway Agency do not consider that the scheme would have a material impact on the strategic road network; whereas from a planning policy point of view it is considered that the development would not be out of scale with the existing settlement nor be sufficiently in conflict with the spatial vision of the adopted East Midlands Regional Plan (March 2009).

The present scheme is nevertheless considered to be unacceptable on other planning policy grounds; namely, in respect of the development of an unallocated greenfield site outside limits to development, its negative impact on the local landscape and its unsuitability in sustainability

terms. Furthermore, technical objections remain in relation to the potential impact of the development on the River Mease Special Area of Conservation and Site of Special Scientific Interest and on the existing local highway and transportation network. In addition, the Environment Agency has now raised objection to this application because the proposed development involves a connection to the main foul sewerage system which would pose an unacceptable risk of pollution to water quality.

The applicants and objectors have both made submissions in relation to the issue as to whether the application represents a “foot-in-the-door” approach. Fundamentally, however, it remains the case that each application falls to be determined on its own planning merits and accordingly for the reasons outlined below this proposed development is recommended for refusal.

RECOMMENDATION- REFUSE, on the following grounds below;

- 1 The application site is on unallocated greenfield land located outside the limits to development of Ashby de la Zouch as defined in the adopted North West Leicestershire Local Plan and is therefore within the open countryside. The proposed development of the site would be contrary to Policy S3 of the adopted North West Leicestershire Local Plan.
- 2 The proposals would lead to development extending beyond the well established urban edge of the settlement and parts of the proposed site boundary are not presently defined on the ground. The new development would not be well integrated and would be detrimental to the landscape character of the area. Furthermore, it is considered that this application is contrary to the government guidance in PPS7 which seeks to protect the countryside from inappropriate development and to protect the countryside for its own sake.
- 3 The development proposed would be unsuitable in terms of environmental sustainability given there is likely to be a considerable reliance on the private car to serve the development. The proposed development would therefore be contrary to government guidance in PPG13, PPS3 and to Policy H4/1 of the adopted North West Leicestershire Local Plan.
- 4 Notwithstanding the fact that there is not presently a five year supply of deliverable housing land, the applicant has not demonstrated that the application site is the most appropriate development site from a sustainability perspective and as such the proposal is contrary to the government guidance in PPS1 and PPG13 and to Policy H4/1 of the adopted North West Leicestershire Local Plan. Consequently, the approval of this development scheme may prejudice the development of other potentially more sustainable sites within the District of North West Leicestershire which will be determined as an integral part of the Local Development Framework process, including Sustainability Appraisal. Any approval would also be contrary to government advice set out in document ‘The Planning System: General Principles.’
- 5 The application submissions do not provide adequate information to demonstrate that the development would not be to the detriment of the internationally important interest features of the River Mease Special Area of Conservation, or any of the features of special scientific interest of the River Mease Site of Special Scientific Interest. As such the development would be contrary to Policy 33 of the adopted East Midlands Regional

Plan (March 2009).

- 6 The County Highway Authority advises that there is inadequate information upon which to assess the impact of the development on the existing highway and transportation network. As such the development submissions fail to demonstrate that the development would be acceptable in terms of highway safety and would thus be contrary to Policy T3 of the adopted North West Leicestershire Local Plan which states inter alia that development, including that of allocated sites, will be permitted only where its highway design and layout make adequate provision for vehicular access and circulation, and servicing arrangements.
- 7 The Environment Agency raises objection to this application because the proposed development involves a connection to the main foul sewerage system which would pose an unacceptable risk of pollution to water quality. As such the development would be contrary to central government advice set out in Planning Policy Statement 23: Planning and Pollution Control.

Erection of single storey rear conservatory, conversion of garage to residential accommodation, new detached garaging, demolition of lean-to to existing garage and other alterations (revised scheme)

Report Item No
B4

22 Main Street Snarestone Swadlincote Derby

Application Reference
09/00529/FUL

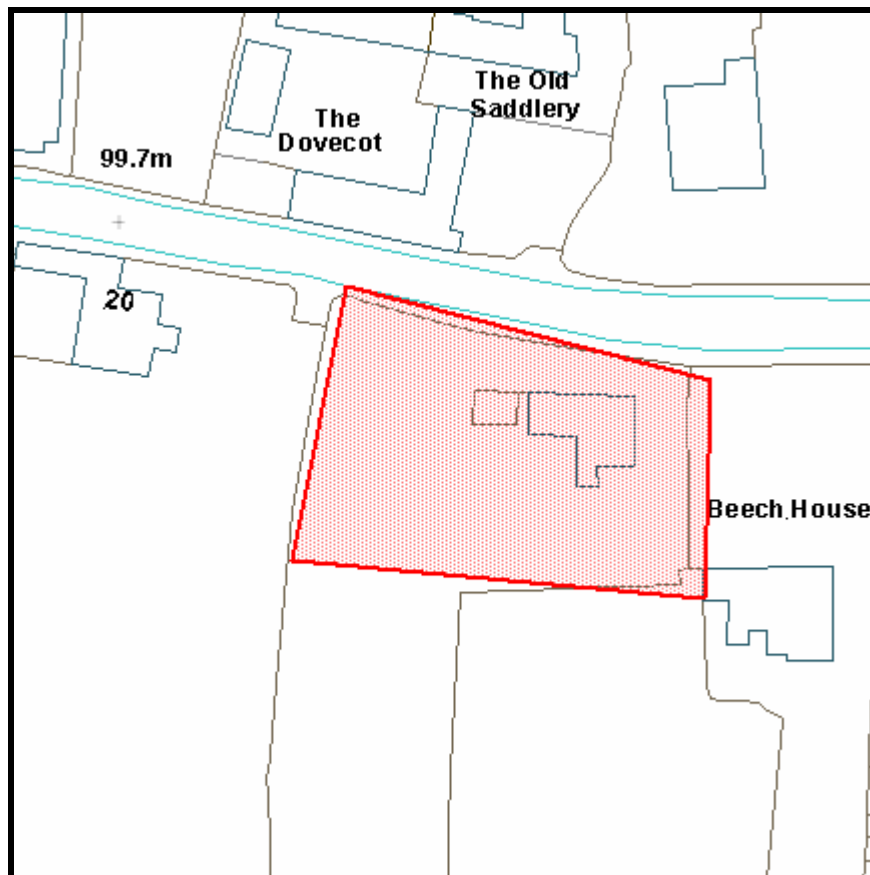
Applicant:
Mr T W Archer

Date Registered
4 June 2009

Recommendation:
PERMIT

Target Decision Date
30 July 2009

Site Location



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1. Proposals and Background

No. 22 Main Street, Snarestone ('Ivy House') is a Grade II listed building situated on the southern side of Main Street within the village Conservation Area. The listing entry for the property describes it as being "house of C18. Red brick with brick dentilled eaves and roof with slates to front and plain tiles to rear. End stacks. 2 storey of 3 windows, tall 2-light casements with top lights. Stone sills and lintels with keystones. Low wide 6-panelled door with moulded doorcase, fluted frieze, and cornice. On right end a renewed attic 2-light casement; on left end, same, with 2 2-light casements below. To rear a contemporary wing and C20 1 storey extension, casements, some with overlights. Forms a group with No. 24 and No. 19 (Main Street)." The Grade II (star) listed property at No. 24 Main Street ('Beech House') is situated to the south-east of the application property. No. 20 Main Street ('The Hermitage'), which adjoins the application site to the west, is identified in the District Council's adopted Conservation Area Appraisal and Study document (of 2001) as a building making a positive contribution to the streetscape of the conservation area.

The property at No. 22 Main Street has been subject of a series of applications for listed building consent and planning permission within the last five years, including the installation of replacement window units, the provision of damp proofing and works to internal floors. In 2008, applications for full planning permission (ref: 08/01099) and listed building consent (ref: 08/01100) were submitted seeking approval for the erection of a single storey ('orangery') extension to the rear of the property, measuring approx. 5.8 metres in width x 3.7 metres in depth. The applications were refused for the reason that "the roof pitch to the proposed extension is too shallow and results an over-sized extension with a roof pitch that is incongruous in its context. As such the proposed development would detract from the special architectural and historic interest and setting of the Grade II listed Ivy House, which would be contrary to central government guidance set out in PPG15 - Planning and the Historic Environment."

In March 2009, applications for full planning permission (ref: 09/00235) and listed building consent (ref: 09/00236) were submitted for the following proposals :-

- The erection of a single storey conservatory extension to the rear of the property.
- The conversion of the existing detached garage to the west of the main dwellinghouse into residential accommodation.
- The erection of new detached garaging to the north-western corner of the site adjacent to the boundary with No. 20 Main Street. The proposed structure, which presents its gabled elevation to the Main Street frontage, measures approx. 6.3 metres in width x 13.1 metres in depth. The building, which incorporates a catslide roof to its eastern side (facing towards No. 20 Main Street), has a maximum height of some 5.0 m.

The applications, which also provided for other minor alterations, were subsequently withdrawn.

An application for full planning permission (ref: 09/00529) has now been submitted seeking approval for the following proposals :-

- The erection of a single storey conservatory extension to the rear of the property, measuring approx. 4.4 metres in width x 3.9 metres in depth. The conservatory incorporates a glazed roof with a pitch of 30 degrees.

- The conversion of the existing detached garage to the west of the main dwellinghouse into residential accommodation (a study/office and a boot room). New door openings are proposed to be provided to the rear and eastern elevations. The existing lean-to extension to the western side elevation of the existing garage is also to be demolished and a new glazed screen is to be inserted into the existing opening to the western side elevation
- The erection of new detached garaging to the north-western corner of the site adjacent to the boundary with No. 20 Main Street. The proposed structure, which presents its gabled elevation to the Main Street frontage, measures approx. 6.3 metres in width x 9.7 metres in depth. The building, which incorporates a catslide roof to its eastern side (facing towards No. 20 Main Street), has a maximum height of some 5.0 m. The garaging is to be constructed in brickwork with a tiled roof.

The scheme also provides for other alterations including the demolition of a small section of wall linking the existing detached garage to the dwelling and the installation of a new door opening and smaller window opening to the western elevation of the existing single storey extension to the rear of the dwelling.

The submissions are accompanied by a Design and Access Statement.

A concurrent application for listed building consent (ref: 09/00530) has been submitted in relation to the works which is the subject of the next report on this agenda.

2. Publicity

6 neighbours notified.

Site Notice displayed 16 June 2009

Press Notice published 17 June 2009

3. Consultations

Snarestone Parish Council consulted 9 June 2009

4. Summary of Representations Received

Snarestone Parish Council - no representations received within the statutory 21 day consultation period.

One letter of representation has been received from the occupants of the adjoining property at Beech House making the following comments summarised below :-

Despite the assertions in the submissions, no consultations (by the applicant) have taken place with the owners of Beech House and it is considered that this is a fundamental inaccuracy which invalidates the application. Had the consultations occurred the applicants would have been advised of the continued strong objection to the proposed conservatory.

Strong objections are maintained to the building of the conservatory which is to be used as an extension to the existing kitchen bringing living accommodation closer to Beech House and the room occupied by the youngest of the family (the extension will be within 12 metres of occupied single glazed accommodation of the dwelling at Beech House). The applicant's enjoyment of the amenities of this extension will have material impact on Beech House giving light and sound

pollution/nuisance impacts on occupied living accommodation. As stated previously the owners of Beech House would not object to traditional accommodation insulated and with its lighting source contained within it in such a location

Rather than having an acceptable relationship with adjoining properties as asserted in the application submission, in relation to all three floor levels of Beech House the development will suffer overlooking, loss of privacy and outlook.

The glazed conservatory will have a visual impact as it will be visible from both the adjacent property and the highway.

No reduction in landscaping to the boundaries should be permitted.

The application property has sufficient off road parking without the construction of the proposed garages and there are concerns as to whether the development is fully in sympathy with the conservation area street scene. It is also pointed out that the submitted topographical survey is out of date as it does not reflect the substantial works completed to achieve the vehicular access for the stables to the rear of the property. If the details were updated then it is believed that it will show that the external work commensurate with the garaging has been carried out in anticipation of building of the proposed garaging.

Rather than making the most efficient use of the site, the scheme is well on the way to overdevelopment and loss of character in the conservation area. An examination of the conservation area shows that Snarestone is a mixture of compact and spacious development and the form and nature of the village does not necessarily need consideration of PPS 3 land use.

There are concerns that if the stormwater from the development were permitted to discharge to the combined drainage it would take capacity in the limited system and give cause to the unnecessary treatment of clean water. Drainage should be by way of a sustainable method, or soakaway.

It is requested that the use of reclaimed bricks should be carefully controlled as some can give rise to an appalling look of multi stock and end up more detrimental than the use of a sympathetically selected new brick.

The letter therefore concludes with the request that refusal of this development be given serious consideration to allow the owners of the application property to consider the overall context of the site and the setting in the conservation area.

5. Relevant Planning Policy Development Plan

The following policies of the adopted North West Leicestershire Local Plan are considered relevant to this application:-

Policy E3 states that development will not be permitted which, by reason of its scale, height, mass, design, oppressiveness, proximity, noise, vibration, smell, fumes, smoke, soot, ash, dust, grit or excessive traffic generation would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 states that in determining planning applications, regard has to be had to the wider

setting of new buildings. New development should respect the character of its surroundings in terms of scale, design, density, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

Central Government Guidance

Planning Policy Guidance Note 15 (PPG15) - Planning and the Historic Environment indicates that local planning authorities should have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. Planning Policy Guidance Note 15 (PPG15) - Planning and Historic Environment also indicates that local planning authorities should ensure that any development preserves or enhances the character and appearance of a conservation area and its setting.

6. Assessment

The main considerations in the determination of the application are the effect of the proposed developments on the amenities of the adjoining residents and the impact upon the listed building and the wider historic streetscape of the conservation area. Each element of the proposals is considered in turn having regard to these salient issues.

Proposed Rear Conservatory

Given the relative distance of the proposed extension from Beech House and having regard to its single storey scale, the proposed extension would not give rise to any significant overshadowing or overbearing impact. With regard to the issue of overlooking, the concerns raised by the adjoining resident at Beech House are noted. Further, it is recognised that the front elevation of Beech House is situated approximately in line with the rear boundary of the application property. However, it is not considered that the scheme would give rise to an overlooking impact sufficient to warrant a refusal of planning permission in light of the fact that there is a minimum distance of some 16.8 metres between the proposed extension and Beech House and having due regard to the angle of any view from the front windows from Beech House towards the extension. It is also considered that the use of the proposed extension for domestic purposes would not generate levels of noise and actively that would be likely to be significant detrimental to the residents of Beech House. Nor is it considered that light pollution would have a significant impact on the aforementioned adjoining property. The conservatory extension would not have any impact on any other nearby properties.

With regard to the wider historic streetscape, the location of the conservatory on the rear elevation of the application property within an enclosed garden area means that the scheme would have a limited visual impact on the character and appearance of the Snarestone Conservation Area. Further, given the distance between the proposed extension and Beech House, it is not considered that the proposed development would have a negative impact upon the setting of the adjoining Grade II (star) listed building. With regard to its impact of the host Grade II listed building, it is considered that this revised scheme for a conservatory with a roof pitch of 30 degrees would be in keeping with the special architectural and historic interest and setting of Ivy House.

Proposed Garaging

The proposed garaging is to be located at least some 20 metres from the nearest habitable window units serving the adjoining property at No. 20 Main Street. It is considered that given the relative distance involved, which exceeds the Council's normal minimum development control standards, that the proposed structure would not have a significant overbearing or

overshadowing impact on No. 20 Main Street. It is also considered that the noise and activity associated with the use of the garaging would not have a significant impact on the amenities of the adjoining residents at No. 20 Main Street. The proposed garaging would not have a significant impact on any other nearby properties.

The siting of the proposed garage some distance from the application dwelling and the adjoining dwelling at No. 20 Main Street, along with its orientation (presenting a gabled elevation to the street frontage) and the materials being proposed will ensure that the proposed structure will neither detract from the setting of the listed buildings nor have a detrimental impact on the character and appearance of the conservation area.

Other Proposals

It is considered that the other alterations including the demolition of a small section of wall linking the existing detached garage to the dwelling and the installation of a new door opening and smaller window opening to the western elevation of the existing single storey extension to the rear of the dwelling, comprise works that are sympathetic to the special architectural and historic interest of the host property and which are in keeping with the wider historic environment. These other alterations will also not give rise to any significant impacts on the existing amenities enjoyed by adjoining residents.

Furthermore, it is not considered that the scheme in its entirety would lead to the overdevelopment of the site to the detriment of the historic streetscape.

Other Matters

The concerns raised by the local residents in relation to the control of materials to be used in construction would be addressed by the attachment of a condition to any approval requiring the submission and approval of sample materials.

The occupants of Beech House also contend that the fact that no consultations (by the applicant) have taken place with them despite the assertions in the application submission means this is a matter which invalidates the application. This, however, is not case and for reasons outlined in this report it is recommended that the scheme be approved.

Summary Reasons for Granting Planning Permission

The proposed development will not give rise to sufficient overbearing, overshadowing or overlooking impacts having regard to the relationship between the proposed development and the existing adjoining properties to warrant a refusal of planning permission. The proposed development, in terms of its scale and character, would conserve the character and appearance of the conservation area and would not detract from the setting of the listed buildings. The development would be acceptable in terms of highway safety and would not lead to the overdevelopment of the site. The scheme would therefore be in accordance with Development Plan policies and central government advice contained within PPG15: Planning and the Historic Environment.

RECOMMENDATION- PERMIT, subject to the following conditions;

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

this permission.

Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 2 No development shall commence on the site until representative samples of the materials to be used in all external surfaces (including all paint finishes) have been submitted to and agreed in writing with the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason- to enable the Local Planning Authority to retain control over the external appearance as no details have been submitted; to ensure that the works are commensurate with the special architectural or historic interest of the listed building.

- 3 No development shall commence on the site until precise details of the proposed bonding to the brickwork to be used in the construction works have been submitted to and agreed in writing with the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason- to enable the Local Planning Authority to retain control over the external appearance as no precise details have been submitted; to ensure that the works are commensurate with the special architectural and historic interest of the listed building.

- 4 No development shall commence on the site until detailed drawings (including cross-sections) of all proposed door and window units to the development and of the glazed roof structure to the conservatory extension (including any openings) to a scale of 1:1/1:2/1:5/1:10 have been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason- to enable the Local Planning Authority to retain control over the external appearance of the conservatory as no precise details have been submitted; to ensure that the works are commensurate with the special architectural and historic interest of the listed building.

- 5 No development shall commence on the site until details of all rainwater goods and external services (including their external finish) have been submitted to and agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason- to enable the Local Planning Authority to retain control over the external appearance as no precise details have been submitted; to ensure that the works are commensurate with the special architectural and historic interest of the listed building.

- 6 No development shall commence on the site until a sample panel(s) (of at least one square metre in area) of the proposed pointing/re-pointing method and mortar mix have been provided on the site and the specification approved in writing by the Local Planning Authority before the commencement of works. The pointing works shall be carried out in accordance with the approved scheme and the sample panel(s) shall be retained until the work is completed.

Reason- to enable the Local Planning Authority to retain control over the external appearance as no precise details have been submitted; to ensure that the works are commensurate

with the special architectural and historic interest of the listed building.

- 7 All works of making good to the existing external and internal built fabric shall be carried out in materials which match the existing immediate surrounding materials in all respects.

Reason- to ensure a satisfactory standard of appearance.

Summary Reasons for Granting Planning Permission

North West Leicestershire District Council's decision to grant planning permission in this instance arose following careful consideration of all representations, the relevant provisions of the Council's adopted Development Plan and all other relevant material considerations. Of particular relevance to this decision were the following policies of the adopted North West Leicestershire Local Plan :-

Policy E3 which seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 which seeks to achieve good design in new development.

Also relevant is Central Government advice in Planning Policy Guidance Note 15: Planning and the Historic Environment which indicates that local planning authorities should have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. Planning Policy Guidance Note 15 (PPG15) - Planning and Historic Environment also indicates that local planning authorities should ensure that any development preserves or enhances the character and appearance of a conservation area and its setting.

Reasons

The proposed development will not give rise to sufficient overbearing, overshadowing or overlooking impacts having regard to the relationship between the proposed development and the existing adjoining properties to warrant a refusal of planning permission. The proposed development, in terms of its scale and character, would conserve the character and appearance of the conservation area and would not detract from the setting of the listed buildings. The development would be acceptable in terms of highway safety and would not lead to the overdevelopment of the site. The scheme would therefore be in accordance with Development Plan policies and central government advice contained within PPG15: Planning and the Historic Environment.

Notes to applicant

- 1 For the avoidance of doubt you are advised that this application has been determined on the basis of the details shown on Drawings Nos. 08.2367.01, 08.2367.02, 08.2367.03A, 08.2367.15B and 08.2367.16.
- 2 You are reminded to also comply with the conditions of listed building consent reference: 09/00530/LBC.
- 3 The applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at www.defra.gov.uk.
- 4 The applicants are advised that, under the provisions of the Site Waste Management

Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at www.defra.gov.uk

The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:

- Collapse of shallow coal mine workings.
- Collapse of, or risk of entry into, mine entries (shafts and adits).
- Gas emissions from coal mines including methane and carbon dioxide.
- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must

obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

- 5 You are advised that since 6 April 2008 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £25 per request.

Erection of single storey rear conservatory, conversion of garage to residential accommodation, new detached garaging, demolition of lean-to to existing garage and other alterations (revised scheme)

Report Item No
B5

22 Main Street Snarestone Swadlincote Derby

Application Reference
09/00530/LBC

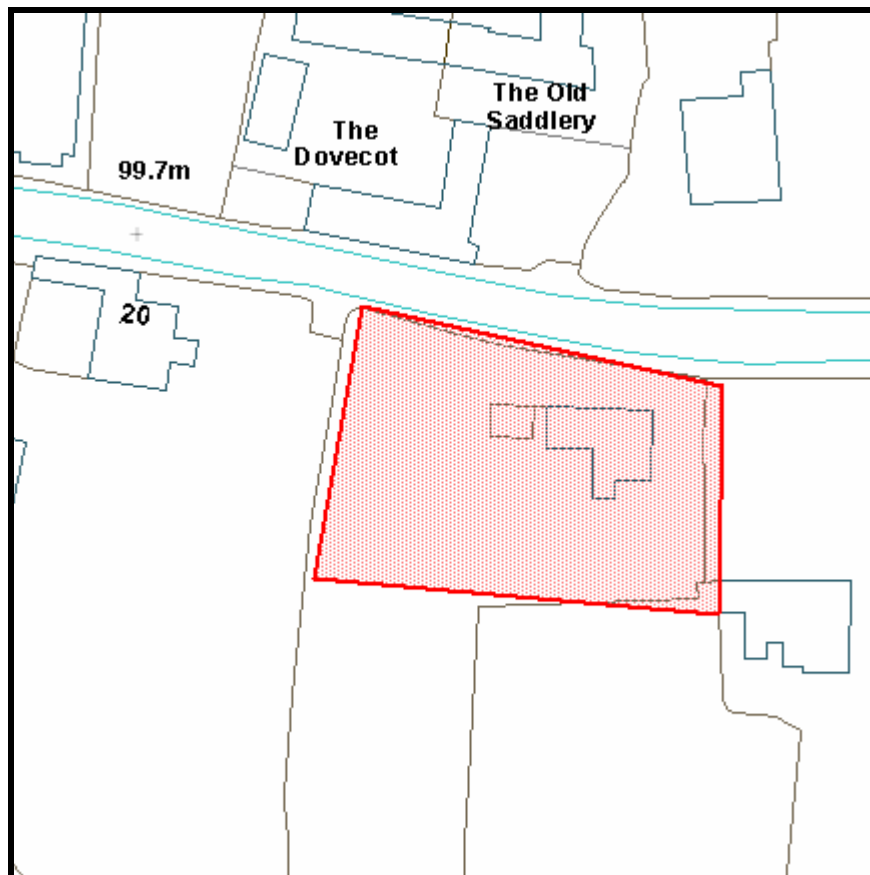
Applicant:
Mr T W Archer

Date Registered
4 June 2009

Recommendation:
PERMIT

Target Decision Date
30 July 2009

Site Location



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1. Proposals and Background

No. 22 Main Street, Snarestone ('Ivy House') is a Grade II listed building situated on the southern side of Main Street within the village Conservation Area. The listing entry for the property describes it as being "house of C18. Red brick with brick dentilled eaves and roof with slates to front and plain tiles to rear. End stacks. 2 storey of 3 windows, tall 2-light casements with top lights. Stone sills and lintels with keystones. Low wide 6-panelled door with moulded doorcase, fluted frieze, and cornice. On right end a renewed attic 2-light casement; on left end, same, with 2 2-light casements below. To rear a contemporary wing and C20 1 storey extension, casements, some with overlights. Forms a group with No. 24 and No. 19 (Main Street)." The Grade II (star) listed property at No. 24 Main Street ('Beech House') is situated to the south-east of the application property. No. 20 Main Street ('The Hermitage'), which adjoins the application site to the west, is identified in the District Council's adopted Conservation Area Appraisal and Study document (of 2001) as a building making a positive contribution to the streetscape of the conservation area.

The property at No. 22 Main Street has been subject of a series of applications for listed building consent and planning permission within the last five years, including the installation of replacement window units, the provision of damp proofing and works to internal floors. In 2008, applications for full planning permission (ref: 08/01099) and listed building consent (ref: 08/01100) were submitted seeking approval for the erection of a single storey ('orangery') extension to the rear of the property, measuring approx. 5.8 metres in width x 3.7 metres in depth. The applications were refused for the reason that "the roof pitch to the proposed extension is too shallow and results an over-sized extension with a roof pitch that is incongruous in its context. As such the proposed development would detract from the special architectural and historic interest and setting of the Grade II listed Ivy House, which would be contrary to central government guidance set out in PPG15 - Planning and the Historic Environment."

In March 2009, applications for full planning permission (ref: 09/00235) and listed building consent (ref: 09/00236) were submitted for the following proposals :-

- The erection of a single storey conservatory extension to the rear of the property.
- The conversion of the existing detached garage to the west of the main dwellinghouse into residential accommodation.
- The erection of new detached garaging to the north-western corner of the site adjacent to the boundary with No. 20 Main Street. The proposed structure, which presents its gabled elevation to the Main Street frontage, measures approx. 6.3 metres in width x 13.1 metres in depth. The building, which incorporates a catslide roof to its eastern side (facing towards No. 20 Main Street), has a maximum height of some 5.0 m.

The applications, which also provided for other minor alterations, were subsequently withdrawn.

An application for listed building consent (ref: 09/00530) has now been submitted seeking approval for the following proposals :-

- The erection of a single storey conservatory extension to the rear of the property, measuring approx. 4.4 metres in width x 3.9 metres in depth. The conservatory incorporates a glazed roof with a pitch of 30 degrees.

- The conversion of the existing detached garage to the west of the main dwellinghouse into residential accommodation (a study/office and a boot room). New door openings are proposed to be provided to the rear and eastern elevations. The existing lean-to extension to the western side elevation of the existing garage is also to be demolished and a new glazed screen is to be inserted into the existing opening to the western side elevation
- The erection of new detached garaging to the north-western corner of the site adjacent to the boundary with No. 20 Main Street. The proposed structure, which presents its gabled elevation to the Main Street frontage, measures approx. 6.3 metres in width x 9.7 metres in depth. The building, which incorporates a catslide roof to its eastern side (facing towards No. 20 Main Street), has a maximum height of some 5.0 m. The garaging is to be constructed in brickwork with a tiled roof.

The scheme also provides for other alterations including the demolition of a small section of wall linking the existing detached garage to the dwelling and the installation of a new door opening and smaller window opening to the western elevation of the existing single storey extension to the rear of the dwelling.

The submissions are accompanied by a Design and Access Statement.

A concurrent application for full planning permission (ref: 09/00529) has been submitted in relation to the works which is the subject of the previous report on this agenda.

2. Publicity

6 Neighbours have been notified.

Site Notice displayed 16 June 2009

Press Notice published 17 June 2009

3. Consultations

Snarestone Parish Council consulted 9 June 2009

County Highway Authority consulted 12 June 2009

David Boyson consulted 12 June 2009

4. Summary of Representations Received

Snarestone Parish Council - no representations received within the statutory 21 day consultation period.

One letter of representation has been received from the occupants of the adjoining property at Beech House making the following comments summarised below :-

Despite the assertions in the submissions, no consultations (by the applicant) have taken place with the owners of Beech House and it is considered that this is a fundamental inaccuracy which invalidates the application. Had the consultations occurred the applicants would have been advised of the continued strong objection to the proposed conservatory.

Strong objections are maintained to the building of the conservatory which is to be used as an extension to the existing kitchen bringing living accommodation closer to Beech House and the room occupied by the youngest of the family (the extension will be within 12 metres of occupied

single glazed accommodation of the dwelling at Beech House). The applicant's enjoyment of the amenities of this extension will have material impact on Beech House giving light and sound pollution/nuisance impacts on occupied living accommodation. As stated previously the owners of Beech House would not object to traditional accommodation insulated and with its lighting source contained within it in such a location

Rather than having an acceptable relationship with adjoining properties as asserted in the application submission, in relation to all three floor levels of Beech House the development will suffer overlooking, loss of privacy and outlook.

The glazed conservatory will have a visual impact as it will be visible from both the adjacent property and the highway.

No reduction in landscaping to the boundaries should be permitted.

The application property has sufficient off road parking without the construction of the proposed garages and there are concerns as to whether the development is fully in sympathy with the conservation area street scene. It is also pointed out that the submitted topographical survey is out of date as it does not reflect the substantial works completed to achieve the vehicular access for the stables to the rear of the property. If the details were updated then it is believed that it will show that the external work commensurate with the garaging has been carried out in anticipation of building of the proposed garaging.

Rather than making the most efficient use of the site, the scheme is well on the way to overdevelopment and loss of character in the conservation area. An examination of the conservation area shows that Snarestone is a mixture of compact and spacious development and the form and nature of the village does not necessarily need consideration of PPS 3 land use.

There are concerns that if the stormwater from the development were permitted to discharge to the combined drainage it would take capacity in the limited system and give cause to the unnecessary treatment of clean water. Drainage should be by way of a sustainable method, or soakaway.

It is requested that the use of reclaimed bricks should be carefully controlled as some can give rise to an appalling look of multi stock and end up more detrimental than the use of a sympathetically selected new brick.

The letter therefore concludes with the request that refusal of this development be given serious consideration to allow the owners of the application property to consider the overall context of the site and the setting in the conservation area.

5. Relevant Planning Policy

Central Government Guidance

Planning Policy Guidance Note 15 (PPG15) - Planning and the Historic Environment indicates that local planning authorities should have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. Planning Policy Guidance Note 15 (PPG15) - Planning and Historic Environment also indicates that local planning authorities should ensure that any development preserves or enhances the character and appearance of a conservation area and its setting.

6. Assessment

The issue of the impact of the proposed developments on the amenities of the adjoining residents is a matter to be considered in relation to the application for planning permission (see previous report on this agenda). Accordingly the main consideration in relation to this application for listed building consent is the impact of the proposed development upon the host building and the wider historic environs. Each element of the proposals is considered in turn.

Proposed Rear Conservatory

With regard to the wider historic streetscape, the location of the conservatory on the rear elevation of the application property within an enclosed garden area means that the scheme would have a limited visual impact on the character and appearance of the Snarestone Conservation Area. Further, given the distance between the proposed extension and Beech House, it is not considered that the proposed development would have a negative impact upon the setting of the adjoining Grade II (star) listed building. With regard to its impact of the host Grade II listed building, it is considered that this revised scheme for a conservatory with a roof pitch of 30 degrees would be in keeping with the special architectural and historic interest and setting of Ivy House.

Proposed Garaging

The siting of the proposed garage some distance from the application dwelling and the adjoining dwelling at No. 20 Main Street, along with its orientation (presenting a gabled elevation to the street frontage) and the materials being proposed will ensure that the proposed structure will neither detract from the setting of the listed buildings nor have a detrimental impact on the character and appearance of the conservation area.

Other Proposals

It is considered that the other alterations including the demolition of a small section of wall linking the existing detached garage to the dwelling and the installation of a new door opening and smaller window opening to the western elevation of the existing single storey extension to the rear of the dwelling, comprise works that are sympathetic to the special architectural and historic interest of the host property and which are in keeping with the wider historic environment.

Other Matters

The concerns raised by the local residents in relation to the control of materials to be used in construction would be addressed by the attachment of a condition to any approval requiring the submission and approval of sample materials.

The occupants of Beech House also contend that the fact that no consultations (by the applicant) have taken place with them despite the assertions in the application submission means that this is a matter which invalidates the application. This, however, is not case and for the reasons outlined in this report it is recommended that the scheme be approved.

Summary Reasons for Granting Listed Building Consent

The proposed development would be in scale and character with the existing property and therefore would preserve the special architectural and historic interest of the Grade II listed building, would have regard to the setting of the host building and surrounding listed buildings

and would preserve the character and appearance of the Conservation Area. The development would be in accordance with central government advice contained within PPG15: Planning and the Historic Environment.

RECOMMENDATION- PERMIT, subject to the following conditions;

- 1 The works to which this consent relates shall begin not later than the expiration of three years from the date of this consent.

Reason- To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 2 No works shall commence on the site until representative samples of the materials to be used in all external surfaces (including all paint finishes) have been submitted to and agreed in writing with the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason- to enable the Local Planning Authority to retain control over the external appearance as no details have been submitted: to ensure that the works are commensurate with the special architectural or historic interest of the listed building.

- 3 No works shall commence on the site until precise details of the proposed bonding to the brickwork to be used in the construction works have been submitted to and agreed in writing with the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

Reason- to enable the Local Planning Authority to retain control over the external appearance as no precise details have been submitted; to ensure that the works are commensurate with the special architectural and historic interest of the listed building.

- 4 No works shall commence on the site until detailed drawings (including cross-sections) of all proposed door and window units to the development and of the glazed roof structure to the conservatory extension (including any openings) to a scale of 1:1/1:2/1:5/1:10 have been submitted to and agreed in writing with the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason- to enable the Local Planning Authority to retain control over the external appearance of the conservatory as no precise details have been submitted; to ensure that the works are commensurate with the special architectural and historic interest of the listed building.

- 5 No works shall commence on the site until details of all rainwater goods and external services (including their external finish) have been submitted to and agreed in writing with the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason- to enable the Local Planning Authority to retain control over the external appearance as no precise details have been submitted; to ensure that the works are commensurate with the special architectural and historic interest of the listed building.

- 6 No works shall commence on the site until a sample panel(s) (of at least one square

metre in area) of the proposed pointing/re-pointing method and mortar mix have been provided on the site and the specification approved in writing by the Local Planning Authority before the commencement of works. The pointing works shall be carried out in accordance with the approved scheme and the sample panel(s) shall be retained until the work is completed.

Reason- to enable the Local Planning Authority to retain control over the external appearance as no precise details have been submitted; to ensure that the works are commensurate with the special architectural and historic interest of the listed building.

- 7 All works of making good to the existing external and internal built fabric shall be carried out in materials which match the existing immediate surrounding materials in all respects.

Reason- to ensure a satisfactory standard of appearance.

Summary Reasons for Granting Listed Building Consent

North West Leicestershire District Council's decision to grant listed building consent in this instance arose following careful consideration of all representations, the relevant provisions of the Council's adopted Development Plan and all other relevant material considerations. Of particular relevance to this decision is the central government advice contained within PPG15: Planning and the Historic Environment which indicates that local planning authorities should have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest. PPG15 also indicates that Local Planning Authorities are required to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Reasons

The proposed development would be in scale and character with the existing property and therefore would preserve the special architectural and historic interest of the Grade II listed building and the character and appearance of the Conservation Area. The development would be in accordance with central government advice contained within PPG15: Planning and the Historic Environment.

Notes to applicant

- 1 For the avoidance of doubt you are advised that this application has been determined on the basis of the details shown on Drawings Nos. 08.2367.01, 08.2367.02, 08.2367.03A, 08.2367.15B and 08.2367.16.
- 2 You are reminded to also comply with the conditions of planning permission reference: 09/00529/FUL.

Erection of 2 No. CCTV poles and cameras

Report Item No
B6

Greenhill Park, Cropston Drive Coalville Leicestershire

Application Reference
09/00531/FUL

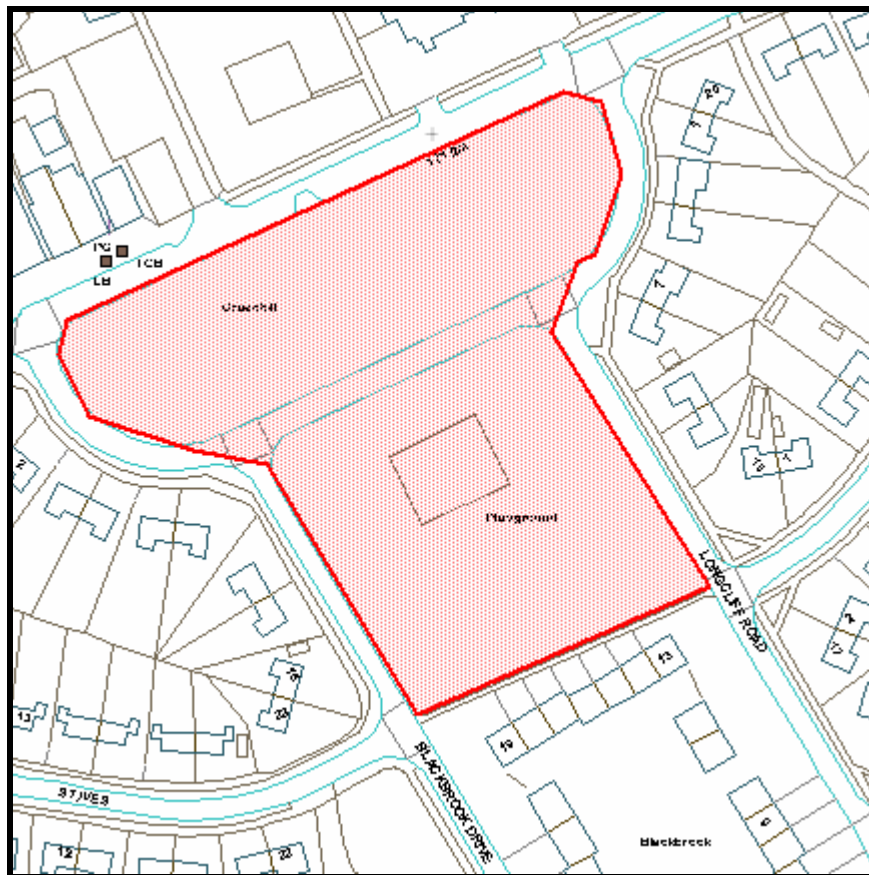
Applicant:
NWLDC

Date Registered
15 June 2009

Recommendation:
PERMIT

Target Decision Date
10 August 2009

Site Location



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1. Proposals and Background

Planning approval is sought for the erection of 2no. galvanised steel poles with CCTV cameras at Greenhill Park. The first pole would measure approximately 10.0m high above ground level and would be positioned on the north-western side of Greenhill Park, adjacent Cropston Drive. The second pole would measure approximately 6.0m above ground level and would be sited at the south eastern corner of Greenhill Park, opposite the junction with St Ives and Blackbrook Drive.

Greenhill Park is situated in a predominantly residential area with residential properties surrounding to the west, south and east. To the north of the site ground floor commercial properties with residential properties above at first floor level are situated on the north western side of Cropston Drive. Further public open space is also situated to the north of the subject site.

No relevant planning history found for the site.

Similar NWLDC application for CCTV cameras –
02/01389/3FD – Erection of pole and CCTV cameras (NWLDC Regulation 3 application) at Car Park, High Street, Ibstock – Permitted 29/11/2009

2. Publicity

31 Neighbours have been notified.

Site Notice displayed 3 July 2009

3. Consultations

4. Summary of Representations Received

No letters of representation received

5. Relevant Planning Policy

The following policies within the North West Leicestershire Local Plan and national planning policies and guidance are considered to be relevant in the determination of this application:

POLICY E3

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

POLICY E4

Policy E4 seeks to achieve good design in new development.

Safer Places: The Planning System and Crime Prevention states that closed circuit television (CCTV) can have a positive impact on crime, especially when implemented as part of a wider package.

6. Assessment

The proposed poles would be erected in the vicinity of existing street lighting poles along Cropston Drive and Blackbrook Drive, which are of a similar scale and form to the proposed development. As such it is not considered that the proposed poles would represent inappropriate or incongruous development within the streetscape.

Greenhill Park is situated in a predominantly residential area, and as such appropriate consideration has been given to ensuring that the development would not result in any loss of privacy for any of the occupiers of the surrounding residential properties.

The applicants have confirmed that with a clear line of sight the cameras can have a viewing range of between 50-100metres. The majority of surrounding dwellings would be between 70 and 100m away from the camera. However, there are some dwellings which are positioned closer, within approximately 20m from the camera. Whilst there is no reason to believe that the scheme would be used in any inappropriate fashion, it has been confirmed that there are measures that can be taken to protect the amenities of surrounding residents. The cameras have a facility inside the software that allows areas to be blocked out, such as windows of premises, gardens etc. In addition to this a small metal blanking plate can be fixed on the external side of the camera dome, positioned in such a way that the camera will not be able to view particular areas that should not be viewed. It is considered that this would be a more appropriate and enforceable method of protecting privacy, and further more allow local residents to physically see that the camera will be obstructed in it's view of certain areas. As such, should the application be permitted it is considered that an appropriately worded condition should be imposed seeking details of the metal blanking plate addition and to ensure that it remains in place. With such conditions it is considered that the development would not harm the amenities of occupiers of surrounding properties.

Summary Reasons for Granting Planning Permission

The site lies within Limits to Development, where the principle of this form of development is acceptable. The proposed works would not have an adverse impact on the amenities of neighbours in terms of loss of privacy, would not be harmful to the character or appearance of the area or streetscene.

It is therefore recommended that planning permission be granted.

RECOMMENDATION- PERMIT, subject to the following condition(s):

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

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

- 2 No development shall commence on site until detailed drawings of the cameras with the metal blanking plate have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed details.

Reason: in order to protect the amenities of occupiers of surrounding properties and to enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.

Summary Reasons for Granting Planning Permission

North West Leicestershire District Council's decision to grant planning permission in this instance arose following careful consideration of the relevant provisions of the Development Plan and all other relevant material considerations. Of particular relevance to this decision were the following policies of the North West Leicestershire Local Plan and national policy guidance:

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 seeks to achieve good design in new development.

Safer Places: The Planning System and Crime Prevention states that closed circuit television (CCTV) can have a positive impact on crime, especially when implemented as part of a wider package.

Reasons:

The site lies within Limits to Development, where the principle of this form of development is acceptable. The proposed works would not have an adverse impact on the amenities of neighbours in terms of loss of privacy, would not be harmful to the character or appearance of the area or streetscene. The proposed development therefore accords with the planning policies stated above.

Notes to applicant

- 1 For the avoidance of doubt this decision has been made with regard to drawing numbers AW 1545-10, AW 1545-6, 3833-1 received on 15 June 2009.

Erection of 2 No. CCTV poles and cameras and 1 No. repeater column

Report Item No
B7

Coalville Park London Road Coalville Coalville

Application Reference
09/00532/FUL

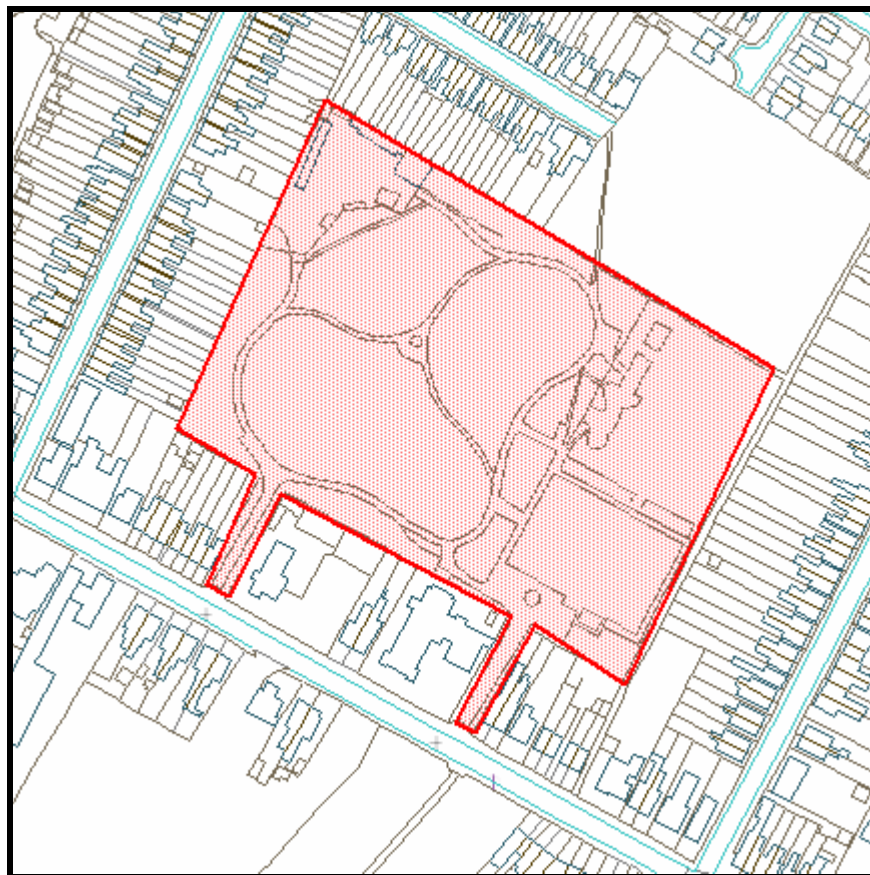
Applicant:
NWLDC

Date Registered
15 June 2009

Recommendation:
PERMIT

Target Decision Date
10 August 2009

Site Location



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1. Proposals and Background

Planning approval is sought for the erection of 2no. galvanised steel poles with CCTV cameras and 1no. repeater column at Coalville Park. The first pole would measure approximately 10.0m high above ground level and would be positioned on the south western corner of Coalville Park, opposite the western entrance to the park off London Road. The second pole would measure approximately 6.0m above ground level and would be sited at the south eastern corner of Coalville Park, opposite the eastern entrance to the park off London Road. The repeater column would also measure approximately 10.0m above ground level and would be sited at the eastern entrance to the park off London Road.

Coalville Park is situated in a predominantly residential area with residential properties surrounding to the west, north and east. To the south of the site fronting London Road are a mix of residential and commercial properties.

No relevant planning history found for the site.

Similar NWLDC application for CCTV cameras –
02/01389/3FD – Erection of pole and CCTV cameras (NWLDC Regulation 3 application) at Car Park, High Street, Ibstock – Permitted 29/11/2009

2. Publicity

127 neighbours notified.

Site Notice displayed 16 June 2009

3. Consultations

4. Summary of Representations Received

One letter of representation received, objecting to the application on the grounds that the location of the camera poles would lead to a violation of privacy of occupiers of surrounding residential properties and that the height of the poles would detract from the natural setting of the park.

5. Relevant Planning Policy

The following policies within the North West Leicestershire Local Plan and national planning policies and guidance are considered to be relevant in the determination of this application:

POLICY E3

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

POLICY E4

Policy E4 seeks to achieve good design in new development.

Safer Places: The Planning System and Crime Prevention states that closed circuit television (CCTV) can have a positive impact on crime, especially when implemented as part of a wider package.

6. Assessment

The proposed poles are considered to be of an appropriate scale and form, similar to other forms of street furniture typically found within the vicinity. Given the amount of development proposed, it is not considered that the proposed poles would represent inappropriate or incongruous development.

Coalville Park is situated in a predominantly residential area, and as such appropriate consideration has been given to ensuring that the development would not result in any loss of privacy for any of the occupiers of the surrounding residential properties.

The applicants have confirmed that with a clear line of sight the cameras can have a viewing range of between 50-100metres. The majority of surrounding dwellings would be some distance away from the cameras, however, there are some dwellings which are positioned closer, with the nearest approximately 20m from the camera. Whilst there is no reason to believe that the scheme would be used in any inappropriate fashion, it has been confirmed that there are measures that can be taken to protect the amenities of surrounding residents. The cameras have a facility inside the software that allows areas to be blocked out, such as windows of premises, gardens etc. In addition to this a small metal blanking plate can be fixed on the external side of the camera dome, positioned in such a way that the camera will not be able to view particular areas that should not be viewed. It is considered that this would be a more appropriate and enforceable method of protecting privacy, and further more allow local residents to physically see that the camera will be obstructed in it's view of certain areas. As such, should the application be permitted it is considered that an appropriately worded condition should be imposed seeking details of the metal blanking plate addition and to ensure that it remains in place. With such conditions it is considered that the development would not harm the amenities of occupiers of surrounding properties.

Summary Reasons for Granting Planning Permission

The site lies within Limits to Development, where the principle of this form of development is acceptable. The proposed works would not have an adverse impact on the amenities of neighbours in terms of loss of privacy, would not be harmful to the character or appearance of the area or streetscene.

It is therefore recommended that planning permission be granted.

RECOMMENDATION- PERMIT, subject to the following condition(s):

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

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

- 2 No development shall commence on site until detailed drawings of the cameras with the metal blanking plate have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the agreed details.

Reason: in order to protect the amenities of occupiers of surrounding properties and to enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.

Summary Reasons for Granting Planning Permission

North West Leicestershire District Council's decision to grant planning permission in this instance arose following careful consideration of the relevant provisions of the Development Plan and all other relevant material considerations. Of particular relevance to this decision were the following policies of the North West Leicestershire Local Plan and national policy guidance:

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 seeks to achieve good design in new development.

Safer Places: The Planning System and Crime Prevention states that closed circuit television (CCTV) can have a positive impact on crime, especially when implemented as part of a wider package.

Reasons:

The site lies within Limits to Development, where the principle of this form of development is acceptable. The proposed works would not have an adverse impact on the amenities of neighbours in terms of loss of privacy, would not be harmful to the character or appearance of the area or streetscene. The proposed development therefore accords with the planning policies stated above.

Notes to applicant

- 1 For the avoidance of doubt this decision has been made with regard to drawing numbers AW 1545-10, AW 1545-6, 3833-1, received on 15 June 2009.

SECTION C- HOUSEHOLDER APPLICATIONS

There are no items in this section

SECTION D- OTHER MATTERS

There are no items in this section

LIST OF APPLICATIONS FOR PLANNING COMMITTEE 4 August 2009

Section A - Previously Considered Items

Item	Reference	Details	Amend	Print	Sign	Sent
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Section B - Planning Applications

Item	Reference	Details	Amend	Print	Sign	Sent
B1	09/00366/REM					
B2	09/00442/REM					
B3	09/00473/OUT M					
B	09/00529/FUL					
B5	09/00530/LBC					
B6	09/00531/FUL					
B7	09/00532/FUL					

Section C – Other Matters

Item	Reference	Details	Amend	Print	Sign	Sent
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