

To Members of the Development Control Committee

Cllr. J.A. Dolby (Chairman)
Cllr. A.C. Tanner (Vice-Chairman)

Cllr. C. Bailey
Cllr. J. Blackwell
Cllr. R.S. Dixon
Cllr. F.E. Duffield
Cllr. D. Jennings

Cllr. B.M. Parkins
Cllr. E. Parsons
Cllr. J. Peachey
Cllr. J.T. Roper
Cllr. G. Sanders

Cllr. S. Scott
Cllr. J. Springthorpe
Cllr. I. Whailing
Cllr. B. Wright
Cllr. J.L. Weatherstone

Dear Councillor,

A meeting of the **DEVELOPMENT CONTROL COMMITTEE** will be held in the Council Chamber at these offices on **THURSDAY, 8 JULY 2010** at **4.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully

Liz Read
Democratic Services Manager

AGENDA

REFERENCING UP OF DECISIONS - COUNCIL CONSTITUTION PAGE 3-6-20

Any Committee or Sub-Committee may refer up any report for decision to its parent body. Referencing up shall be on the following basis:-

- a) At the beginning of the relevant meeting, any Committee/Sub-Committee Member may move reference up of any item of business. The Member must identify the grounds of significance justifying so doing. If this is seconded, the proposition shall be open to debate.
- b) There shall be no debate upon the contents of the report itself. Debate shall be limited to consideration as to whether the report item is of such significance as to justify its reference up to the parent body notwithstanding



that the parent body has delegated its decision making powers.

- c) If the referencing up motion is carried, the matter shall not be determined at the meeting. If the referencing up motion is not carried, the matter shall be dealt with in accordance with the Committee/Sub-Committee's delegated powers.

AGENDA

1. Apologies for absence

2. Disclosures of Interest

To receive disclosures of interests from Members (ie. The existence and nature of those interests in respect of items on this agenda).

3. Minutes (Pages 1 - 4)

To approve and sign the minutes of the meeting held on 10 June 2010 (enclosed).

4. Planning Applications (Pages 5 - 64)

Report of the Development and Conservation Manager (enclosed) relating to Planning Applications for determination.

5. Section 106 Agreement - Land off Huncote Road, Stoney Stanton (Pages 65 - 68)

To consider the report of the Development and Conservation Manager (enclosed)

DEVELOPMENT CONTROL COMMITTEE

Minutes of a meeting held at the Council Offices, Narborough

THURSDAY, 10 JUNE 2010

Present:-

Cllr. J.A. Dolby (Chairman)
Cllr. A.C. Tanner (Vice-Chairman)

Cllr. R.S. Dixon
Cllr. F.E. Duffield
Cllr. D. Jennings
Cllr. B.M. Parkins

Cllr. E. Parsons
Cllr. J. Peachey
Cllr. J.T. Roper
Cllr. G. Sanders

Cllr. S. Scott
Cllr. J. Springthorpe
Cllr. B. Wright
Cllr. J.L. Weatherstone

Substitutes:-

Cllr. D.R. Clements (In place of Cllr. I. Whailing)
Cllr. E.C. Dawson (In place of Cllr. C. Bailey)
Cllr. R.C. Ward (In place of Cllr. J. Blackwell)

Officers present:-

Mr M. Taylor	- Development & Assets Group Manager
Mrs J. Warner	- Legal Services Manager
Mr A. Senior	- Development & Conservation Manager
Mr I. Davies	- Principal Development Control Officer
Mrs D. Johnson	- Democratic Services Officer

Apologies:-

Cllr. C. Bailey, Cllr. J. Blackwell and Cllr. I. Whailing

33. DISCLOSURES OF INTEREST

No disclosures were received.

34. MINUTES

The minutes of the meeting held on 13 May 2010, as circulated, were approved and signed as a correct record.

35. **PLANNING APPLICATIONS**

Considered – Report of the Development and Conservation Manager in respect of applications to be determined by the Committee. Late letters were circulated in respect of application 10/0216/1/PX.

Public Speaking

Pursuant to Part 4, Section 8 of the Council's Constitution, in relation to public rights in participation in planning applications, the Chairman allowed each of the following to give a three minute presentation in respect of the following applications:

10/0165/1/OX

Jelson Ltd

Proposed residential development (maximum 93 dwellings), associated infrastructure and open space(outline) – Land south of Narborough Road, Huncote.

- Mrs Palmer who objected to the application
- Mr J Battell on behalf of Huncote Parish Council

10/0216/1/PX

Taylor Wimpey (UK) Ltd

Residential development of 70 dwellings with new access and associated public open space (including retention of existing offices(Class B1(a) and reconfigured car park) (revised scheme) – Woodlands Unit, The Pastures, Narborough

- Cllr Webster – Williams as Ward Member
- Mr A West on behalf of local residents who objected to the application
- Mr T Richardson on behalf of Narborough Parish Council

DECISION

That the applications be determined in accordance with the recommendations of the Development and Conservation Manager subject to the following:

10/0216/1/PX

Taylor Wimpey (UK) Ltd

Residential development of 70 dwellings with new access and associated public open space (including retention of existing offices (Class B1 (a) and reconfigured car park) (revised scheme) – Woodlands Unit, The Pastures, Narborough

The Chairman adjourned the meeting for 5 minutes to allow Members to

consider the reasons for refusal.

The meeting then reconvened.

This application was refused for the following reasons:

1. The District Planning Authority considers that, notwithstanding the current status of the Development Plan, in particular the East Midlands Regional Plan and the housing numbers contained therein, due regard must be had to the recent pronouncements of the Rt Hon Eric Pickles MP, Secretary of State for Communities and Local Government. In the absence of any robust and up – to – date evidence which would indicate the level of local housing need, the District Planning Authority is of the opinion that it would be premature at this stage to grant planning permission until such time as the Council can establish its District wide housing land supply requirements.

2. In addition, the District Planning Authority considers that the proposed residential development of this site would detrimentally impact upon the form and character of the area exacerbated by the loss of protected trees and would damage the predominately open nature of the site. In addition, the proposed development would lead to a loss of privacy and amenity for adjoining residents, in particular those on Homer Drive. Accordingly, the proposal would therefore be contrary to Policy C10 – Open Areas of Importance to the Form and Character of the Built Environment, and Policy CE21 – Existing Trees and Woodlands and Policy R1 – Primarily Residential Areas of the Blaby District Local Plan (1999)

THE MEETING CONCLUDED AT 5.40 P.M.

This page is intentionally left blank

BLABY DISTRICT COUNCIL

Committee:	Development Control
Date:	8 July 2010
Subject:	Planning Applications for Determination
Report of:	Development & Conservation Manager
Status:	Public

1. Purpose of Report

To determine planning applications as listed in paragraph 5.2 below and detailed in the attached report

2. **Recommendation**

That the recommendations listed within paragraph 5.2 below and detailed in the attached report be approved.

3. Forward Plan

Not applicable.

4. Key Decision

Not applicable.

5. Matter(s) for Consideration

5.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **24 June 2010** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

5.2	<u>App. No.</u>	<u>Page No</u>	<u>Site Address</u>	<u>Recommendation</u>
	10/0101/1/OX	8	Glen Ford Grange Little Glen Road Glen Parva	REFUSE
	10/0272/1/PX	22	Land at 55-57 Sycamore Street Blaby	APPROVE
	10/0321/1/OX	25	Land off Station Road Stoney Stanton	REFUSE
	10/0331/1/OX	41	Land at Willoughby Road Countesthorpe	REFUSE
	10/0352/1/PX	55	BP Desford Cross Roads Service Station Desford (Kirby Muxloe Parish)	REFUSE
	10/0387/1/PX	60	Land rear of 41-43 Winchester Road Countesthorpe	REFUSE

5.3 Other Options Considered. These are included where appropriate as part of the reports relating to each individual application.

6. Appropriate Consultations

Details of organisations/persons consulted in relation to the applications are included in the reports for each individual application.

7. Resource Implications

There are no specific financial implications arising from the contents of this report.

8. List of Background Papers

Background papers are contained in files held in the Planning Division for each application being considered..

(Place a tick (/) to confirm that these officers have been consulted)

CE:

DR:

MO:

CPH:

10/0101/1/OX	Registered date 10 March 2010	Glenford Properties (UK) Ltd
	Expiry date 9 June 2010	Erection of up to 23 dwellings (2 & 2½ storey) and conversion of existing building to up to 6 flats with new vehicular access, parking & public open space (outline) – Glen Ford Grange, Little Glen Road, Glen Parva

RECOMMENDATION
REFUSE FOR THE FOLLOWING REASONS:

1. The application site is located within the Sence Valley Green Wedge where Policies C3 and C5 of the Blaby District Local Plan (1999) apply. Policy C5 allows for the change of use of existing buildings in Green Wedges and Policy C3 allows for certain specified types of development which does not include new build residential. The principle of new build residential development within this location is, therefore, unacceptable. However, because parts of the application site are currently developed, consideration also has to be given to PPS 3: Housing (2010) which encourages the use of previously developed land. Whilst it is accepted that part of the application site is classed as previously developed land, it is considered that a significant amount of land is undeveloped. Accordingly, the principle of residential development within all of the application site conflicts with Policy C3 of the Blaby District Local Plan (1999) and Government guidance contained in PPS 3: Housing (2010).
2. Whilst it is accepted that part of the application site can be classed as “previously developed land”, for any re-development proposal for this part of the site to be considered acceptable the development needs to comply with the spirit of Policy C3 of the Blaby District Local Plan (1999). Policy C3 requires that development should be designed and landscaped in a manner which would not damage the open and undeveloped character of the Green Wedge. It is acknowledged that the application has been submitted in outline only, nonetheless, it is considered that the design principles, as shown on the submitted illustrative layout, are unacceptable. Currently within part of the application site are a range of buildings which are primarily single and two storeys in height. This application proposes two, two and a half and three storey high buildings. It is considered that the scale and mass, together with the proposed positioning and density of such buildings, would result in a form of development which would lead to an urbanisation of this part of the Green Wedge which would detract from the function and character of the Green Wedge and the street scene appearance. Furthermore, the area of public open space should form an integral part of the development. It should, therefore, be within the development area and not on the outskirts. In this instance, the proposed area of public open space would be on the periphery of the development with only partial natural surveillance and significantly larger than required by the aforementioned policy. For the reasons mentioned, it is considered that the layout of the proposed development conflicts with Policies R13 and the spirit of Policies C3 and R1 of the Blaby District Local Plan (1999) and Government guidance

contained within PPS 1: Delivering Sustainable Development, PPS 3: Housing (2010) and PPG 17: Planning for Open Space, Sport and Recreation (2002), including the Companion Guide.

3. The application site lies in an area of archaeological interest. The extent of this interest cannot be adequately understood from the Archaeological Desk Based Assessment. Therefore, to establish the likely effects the proposed development may have on the environment, an Archaeological Impact Assessment to include field evaluation and historic building assessment is required. In the absence of such work being completed, the archaeological significance of the site cannot be properly assessed and the impact of the proposal on any archaeological remains cannot be fully understood. The application therefore conflicts with Government guidance contained in PPS 5: Planning for the Historic Environment (2010) and Policy CE1 of the Blaby District Local Plan (1999). Given the principal objections to the proposal, as stated above, it was considered to be unreasonable to require that such evaluation work be completed.
4. The applicant has failed to demonstrate that protected species and their habitats would not be impacted upon on the application. This is contrary to paragraph 99 of the ODPM Circular 06/2005 as the presence or otherwise of protected species and the extent that they may be affected by the proposed development has not been established.
5. Considering the existing and former site uses, there is a perceptible risk from land contamination within the application site which could impact upon the safe occupancy of the site for any future residents and the general locality. Without a full site investigation of the ground conditions being undertaken, it is not known what remedial measures, if any, would be required to deem the site capable of satisfactory development. In the absence of the required site investigation, together with any remedial measures, and the findings being provided, it is not known whether the site is suitable for safely accommodating residential development. The proposal therefore conflicts with Policy M3 of the adopted Blaby District Local Plan (1999) and the guidance contained in PPS 23: Planning and Pollution Control Annex 2: Development on Land Affected by Contamination.

NOTES TO COMMITTEE

Policy

National Planning Guidance

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 5: Planning for the Historic Environment
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Guidance Note 13: Transport
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 24: Planning and Noise

East Midlands Regional Plan (March 2009)

Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design
Policy 3 – Distribution of New Development
Policy 12 – Development in the Three Cities Sub-Area
Policy 13a – Regional Housing Provision
Policy 27 – Regional Priorities for the Historic Environment
Policy 48 – Regional Car Parking Standards
Policy Three Cities SRS 3 – Housing Provision

Blaby District Local Plan (BDLP) (1999)

Policy C3 - Green Wedges
Policy C5 - Change of Use and Adaptation of Existing Buildings in the Countryside, Green Wedges and Areas of Separation
Policy R4 - Affordable Housing
Policy R13 - Playspace for Children
Policy R14 - Open Space Provision for Formal Recreation
Policy T4 - Traffic Impact Assessments
Policy T6 - Parking and Servicing
Policy IM1 - Planning Obligations
Policy CE22 - Landscaping
Policy CE25 - Crime Prevention
Policy R1 – Primarily Residential Areas
Policy M3 – Contamination

Other Supporting Documents

Blaby District Local Development Framework Core Strategy Submission Version (July 2009)
Blaby District Landscape and Settlement Character Assessment (2008)

Consultations

Glen Parva Parish Council – Have submitted the following observations:-

- *This is a premature application. The land is highlighted in the Strategic Housing Land Availability Assessment (SHLAA) Document, which has not yet been approved by Blaby District Council.*
- *Consultation is required about the SHLAA document as part of the Local Development Framework.*
- *This application should not contravene the Local Plan or other local planning policies.*
- *There should be no development within the green wedge.*
- *There should be no development on the land marked in blue on the site plan.*
- *The proposed site is adjacent to the Grade II listed building, The Glen Parva Manor, as well as an ancient monument in the adjacent Moat Site.*

- *The Archeological Report refers to the potential for the development of 70 dwellings on this site and this outline application only refers to up to 23 dwellings.*
- *An application for a “Change of use” for the development of the site will be required.*

The Parish Council also endorses the comment submitted by Mr A D Bailey, District Councillor, (attached) and supports the comments submitted by Mrs Dilks, District Councillor about the need to safeguard the two adjacent public rights of way and the ancient brickwork along these routes and within the site. This is an historical part of the Parish and every effort should be made to retain its original features and characteristics.

(Comments from Mr. A. D. Bailey, District Councillor)

NOTES TO GLEN PARVA ON GLENFORD GRANGE APPLICATION

“You will be aware of the application for a proposed on the site of Glenford Grange, Glen Parva.

I have no doubt that Glen Parva Parish Council will wish to submit its own observations on the scheme. However, because of the sensitivity of the application I respectfully ask that you take my following comments into consideration.

- 1. The application is part of the site of the original village of Glen Parva.*
- 2. This large site in Glen Ford is very unkempt and untidy and has been deteriorating for a number of years.*
- 3. Some of the industrial/commercial activities taking place on the site have caused considerable nuisance to local residents; in particular car repairs and storage and ‘recycling’ of crash damaged cars.*
- 4. The land to the east of the development site is marked as “mature spinney/copse”. It is not. It is attractive ‘wild’ land which is on the site of the gardens of former cottages which once stood on this area. This rough, rural, rustic feature is an attractive feature on entering Glen Ford and should be retained. This patch of land also fits in well with the mediaeval Manor House and the green in front of it. I believe this rough land is currently owned by a building developer. If the new application is permitted there might subsequently be pressure and a precedent to develop this rough land. This should be resisted vigorously.*
- 5. I welcome the inclusion in the plans of some open space.*
- 6. There is a large area marked yellow at the south of the development which has no development marked on it. It is unclear as to what its future use is to be. It might well be that this is left ‘undeveloped’ as it is very near to the 100 year flood line. This land runs down to Alison’s Acre and would, I think, be a welcome addition to public land. We should investigate the possibilities. (Section 106 agreement monies?)*
- 7. Some of the proposed houses are two and a half storeys high. I just wonder whether this is half a storey too high for this sensitive area.*

8. *This area has been inhabited and occupied for at least 2000 years. Evidence has been found at this site of every period since the Romans and there are also pre-historic finds. I believe that there should be an archaeological “watching brief as foundation trenches are dug.*

*Cllr Alan Bailey
18th March 2010”*

County Highways – Have confirmed that the proposal is acceptable in principle. However they have raised a number of concerns which it may be possible to overcome by amending the proposal and seeking a financial contribution.

Environment Agency – Initially they objected to the proposed development. To overcome this objection the applicants have provided additional information in respect of surface water drainage and revised the application site boundary to avoid the flood zone.

Severn Trent Water Ltd. – Has raised no objection to the proposal but recommended the imposition of two drainage condition 1) requiring details of surface water and foul sewage be submitted and agreed, and 2) advising that nothing shall be erected or planted within 2.5 metres from the public sewer which crosses the site.

Environmental Health Officer – Has raised concerns relating to contaminated land and potential noise problems for future residents from traffic on Little Glen Road.

Council’s Housing Strategy & Enabling Officer – Supports the development on the basis that the proposal would contribute to the provision of affordable housing in the district.

British Waterways – Have no comments to make on the proposed development.

English Heritage – Have no comments to make on the proposed development.

County Planning Archaeologist – Has commented that the application site lies in an area of archaeological interest. Because the site is considered to have the potential to include heritage assets with archaeological interest, a programme of trial trenches should be undertaken prior to the determination of the planning application.

County Ecologist – Has commented that further ecological surveys are required which should be submitted prior to the application being determined.

County Forestry and Arboricultural Officer – Has commented that additional inspection work to a number of trees would be desirable to enable a decision to be made on whether or not they should be retained.

LCC Waste Management – Has confirmed that no contribution is required.

LCC Library Service – Has requested a financial contribution towards the costs of enhancing a programme of refurbishment and improvements to facilities including equipment and other library materials. This contribution is based on a formulae and for the development as indicated on the indicative layout this would equate to £1,603.39.

LCC Education – Has confirmed that at the present time there is surplus capacity in the local primary, high and upper schools. An education contribution will therefore not be required for any of these sectors.

LCC Rights of Way – Has requested a developer contribution of £1,650 towards surfacing 190 metres of public footpath Z49 which runs along the western application site boundary.

Police Architectural Liaison Officer – Has recommended that one of the two public footpaths sited to the west and east of the application site be removed. Although the Leicestershire Police raise a formal objection to the application on sustainability grounds it has been confirmed that this could be overcome if a developer contribution of £14,544 to support and maintain the Police service was made available.

Leicestershire Fire and Rescue Service – Comments awaited.

Leicestershire & Rutland Primary Care Trust – Has commented that the GP Practice at South Wigston Health Centre (the Practice for Glen Parva) has no available capacity. However, residents may choose to register at the surgery in Blaby. To secure improvements to one or both of the Practices mentioned, a financial contribution should be sought. This contribution is based on a formulae and for the development as indicated on the indicative layout this would equate to £29,754.00.

Representations

2 letters commenting on the proposed development has been received from local residents. In addition Mrs. Dilks, the District Councillor for area, has confirmed she has no objections to the proposed development and has provided comments. (**See letter A attached**)

Relevant History

None.

EXPLANATORY NOTE

The Proposal

The application site is located to the south of Little Glen Road. Contained within the application site is Glenford Grange, a residential building which is currently subdivided into four residential units, the domestic garden area, a range of outbuildings

in commercial use, external storage area and part of an adjoining field. The application site area is 0.7 ha (1.73 acres).

This is an outline application, with access being the only matter included for full approval at this stage. An indicative layout has been submitted with the proposal which shall be displayed at your meeting. The layout shows a single point of access from Little Glen Road.

The proposal is for the erection of up to 23 dwellings and the conversion of the existing building to form a maximum of 6 units resulting in the creation of 29 dwellings. This would result in a density of 49 dwellings to the hectare (excluding the open space), and the provision of approximately 0.11 ha (0.27 acres) of public open space.

An indicative layout has been submitted which shows the following mix of dwellings:

- 2 x 2 bed units
- 15 x 3 bed units
- 5 x 4 bed units
- 1 x 5 bed units

The applicants have confirmed that 25% of the proposed dwellings would be affordable units. In terms of heights, the applicants propose that the dwellings would be 2, 2½ and 3 storey and have a ridge height ranging from between 8 to 10 metres.

Supporting Documents

In support of the application, the applicant submitted the following documents:

A Design and Access Statement;
An illustrative Masterplan;
A Transport Statement;
A Flood Risk Assessment;
A Structural Survey;
A Phase 1 Habitat Survey and Protected Species Assessment;
An Archaeological Desk Based Assessment;
An Arboricultural Survey;

The applicants have also confirmed their willingness to enter into a Section 106 Agreement to secure, where appropriate, any Developer Contribution requests, i.e. affordable housing, public open space maintenance sums, healthcare facilities etc.

Planning Considerations

Section 38(6) of the Town and Country Planning Act 1990 requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate

otherwise. This section of the report will first consider the proposed development against the policy background and then consider any other material considerations.

There are a number of themes which run through national guidance and have eventually found expression locally through the Development Plan. Key themes in the case of this application are that new development should be sustainable, previously developed land should be developed before Greenfield sites and the countryside should be protected for its own sake.

National Guidance

Planning Policy Statement 1 (PPS 1): Delivering Sustainable Development

This policy statement establishes the key principles for delivering sustainable development through the development plan system and the determination of planning applications. The emphasis is that development plans allow for development of sufficient housing in sustainable locations and that new development is of good design.

It could be considered that the proposed development would be in a sustainable location being in close proximity to existing residential development. However, it could also be considered that the site is unsustainable as the Highway Authority has commented that the location is not served by public transport. Turning to the design of the proposed development, it is considered that the fundamental design principles, as set out in the illustrative layout, do not represent good design. These two issues will be considered later in this report.

Planning Policy Statement 3 (PPS 3): Housing

Paragraph 68 of this statement states “... *Local Planning Authorities should have regard to the policies in this statement as material considerations which may supersede the policies in existing Development Plans*”. At paragraph 52, it states that the delivery of a flexible responsive supply of housing land needs to reflect the principles of “*Plan, Monitor, Manage*”. Housing land supply will be considered later in this report. PPS 3 also advises that good design is fundamental to the development of high quality new housing which contributes to the creation of sustainable, mixed communities. This reflects the guidance in PPS 1, and the comments made above in relation to PPS 1 and design, also apply to PPS 3.

Annex B to this statement defines Previously-developed land as:-

“Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure.”

The definition includes defence buildings, but excludes:

- *Land that is or has been occupied by agricultural or forestry buildings.*

- *Land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures.*
- *Land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed.*
- *Land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time (to the extent that it can reasonably be considered as part of the natural surroundings).*

There is no presumption that land that is previously-developed is necessarily suitable for housing development nor that the whole of the curtilage should be developed.”

Particular consideration should be given to the final paragraph which clearly explains that there is no presumption that all curtilage land is developable. In this instance, a large part of the application site is currently garden land for the residential units. Given the undeveloped nature of the land and its appearance, it is considered that this is not ‘previously-developed land’, therefore the development of this part of the application site is totally unjustified. Accordingly, the proposal development conflicts with this part of the policy statement.

Planning Policy Statement 7 (PPS 7): Sustainable Development in Rural Areas

Again, this statement emphasises the sustainability criteria and general approach set out in PPS 1. It does however encourage the re-use of previously-developed sites within rural areas except where the site performs so poorly in terms of sustainability. This application proposes to re-develop an existing site which is located opposite residential development. Whilst limited facilities exist close to the application site, it would be unreasonable to suggest that the site is unsustainable. However, as mentioned earlier the Highway Authority has raised concerns over the lack of public transport in the locality and this matter will be discussed later in the report.

DEVELOPMENT PLAN

East Midlands Regional Plan (March 2009)

The East Midlands Regional Plan adopts a policy of urban concentration. This is reflected in Policy 3: Distribution of New Development which advocates that new development and economic activity should be concentrated primarily in and adjoining the Principal Urban Area (PUA) of Leicester with significant levels of development in growth towns and appropriate development of a lesser scale in Sub Regional Centres. It also states:-

“In assessing the suitability of sites for development priority should be given to making best use of previously developed land and vacant and under-used

buildings, contributing to the achievement of a regional target of 60% of additional dwellings on previously developed land or through conversions.”

The settlement of Glen Parva lies within the Principal Urban Area (PUA) and part of the application site is on Previously Developed Land (PDL). Notwithstanding these facts, in determining this application, consideration has to be given to other material considerations which are expanded upon further in the report.

Blaby District Local Plan (1999)

Policy C3: Green Wedges

This policy allows for development for agriculture, recreation, forestry, transport routes and mineral uses only provided that it is sited, designed and landscaped in a manner which does not damage the open and undeveloped character of the green wedge. Residential development, except in specific circumstances, is not identified as being an acceptable use. The principle of residential development on this site would be totally unacceptable. The development is clearly in conflict with Policy C3.

Policy C5: Change of Use and Adaptation of Existing Buildings in the Countryside, Green Wedges and Area of Separation

This policy allows for the conversion and adaptation of existing buildings. Therefore, the elements of this proposal that relate to the conversion of existing structures is in accordance with the policy.

Policy R1: Residential Development within Primarily Residential Areas

Notwithstanding that Policy R1 relates to developments within the built-up area and Primarily Residential Areas, the elements of the policy that relate to design are considered to be pertinent to the consideration of this scheme for major residential development. The indicative layout submitted with the application sets out the design principles being promoted for this site. It is considered that the design principles are flawed for the following reasons: 1) the proposed buildings are too high and would detract from the character and appearance of the green wedge location; 2) the buildings abutting Little Glen Road are too high and too close to the highway boundary and as such the introduction of these buildings in this location would detract from the streetscene appearance; 3) the proposed development is too dense for the location and would therefore detract from the character and appearance of the area; 4) the area of the open space would be located on the edge of the proposed residential development rather than forming an integral part of the overall scheme and 5) the site forms part of the wider setting for the Scheduled Moat and Hut Circle and the listed Manor and the design and layout of the development proposed (being of modern appearance and in the form of town houses) does not reflect the former agricultural function of the site and surrounding area.

Policy R4: Affordable Housing

Affordable housing provision would be required for this site. This is acknowledged in the submission with an agreement to provide 25% of the total number of dwellings. The Council's Enabling & Strategy Officer has recommended a tenure mix of 77% for social rented and the provision of 1 x 1 bed flats/studios plus 3 x 2 bed houses and 23% for shared ownership resulting in the provision of 1 x 2 bed house. Although it is realised that the application is in outline only, providing the converted Glenford Grange would contain a one bedroomed flat/apartment/studio, the suggested mix of dwelling types would be provided.

Policy R13: Playspace for Children

It is proposed that 0.11 ha (0.27 acres) of public open space would be provided to serve the development and the submitted illustrative layout shows this area of space positioned to the south of the residential development. The indicative layout proposes that a terrace of three dwellings would face part of the open space, thereby offering some natural surveillance of the space. The Local Plan Policy requires that children's play space be provided at a minimum ratio of 0.1 acres (0.04 ha) per 20 dwellings. On the basis that the proposal would accommodate 29 dwellings a minimum of 0.058 hectares of space would need to be provided to serve the development. In this instance the proposed amount of public open space would therefore be double the size of the Local Plan requirement. Whilst for some development proposals it may be beneficial to provide more open space than the requirement, for example where there is insufficient provision within a village, such space would need to be provided within an appropriate location i.e. centrally within the settlement or abutting community facilities, this is not one of those cases. Furthermore, Government advice relating to open space suggests that such a provision should form an integral part of the development. It is considered that to position the open space on the periphery of the built development would not be integral to the residential development it would serve. Within the submitted Transport Statement reference is made to the proposed development comprising 70 dwellings and it is understood that the applicant's future intention is to develop land to the south of the application site also within their ownership. Because the current application would be phase 1 of a larger scheme, assuming all of the land were to be developed, it is accepted that the open space would then be sited centrally within the overall site. Whilst understanding this reasoning, given that the land to the south of the application site is within the Green Wedge and within the flood zone it is unlikely that this will be considered appropriate for residential development. Accordingly, it is still considered that the positioning of the proposed open space is unacceptable.

Policy T4: Traffic Impact Assessments.

Although a Traffic Assessment has been submitted with the application, the County Highway Authority has raised a number of issues with the proposal and the content of the statement. Firstly, in respect of pedestrian movements to and from the site, on the submitted layout it is proposed to introduce a 2 metre wide footway along part of the site frontage only. This would result in pedestrians having to walk across the verge to enter and leave the existing public footpaths located abutting

the western and eastern application site boundaries. To increase pedestrian safety and accessibility, the Highway Authority is requiring that the footway should be provided across the entire road frontage. Such a footway would enable pedestrian linkage to the existing public footpaths. In addition, the issue of pedestrians having to cross the busy Little Glen Road has been raised as an initial concern. If the proposal were to be permitted, the Highway Authority would also seek a financial contribution from the developer towards the implementation of a local safety scheme concentrating on enhanced traffic signing and lining along this stretch of Little Glen Road. Secondly, because the only available bus service within the desired distance of 800m of the site operates to the north in Eyres Monsell and pedestrian access to the nearest bus stop is via a convoluted route, it is unlikely that people, especially those with young children or who are infirm would, in reality, walk this route to access the bus service. Furthermore, the route may be subject to closure due to concerns about the pedestrian rail crossing.

Policy CE1: Scheduled Ancient Monuments and Archaeological Sites.

The Leicestershire County Council's Planning Archaeologist has commented that the application site is within an area of archaeological interest as a number of finds are reported as having come from within the application site or very close by and trial trenching would be required to establish the extent of archaeological interest. However, given the objections to the proposed development, it has been concluded to be inappropriate to request such trial trenching work. Because the application is recommended for refusal it is appropriate to present this application to Members without this work being completed.

Blaby District Local Development Framework

The weight that can be given to the Core Strategy will increase as it passes through its various stages of preparation towards adoption. At present it is an expression of the Council's preferred strategy. Blaby District Council completed consultation on its Local Development Framework Core Strategy (submission version) (July 2009) on 10th September 2009 and approximately 600 representations were received.

Core Strategy (Submission Version) Policy 5 – Settlement Hierarchy and Policy 1 – Locating new development

Policy 5 seeks to focus new development in the most appropriate locations through a hierarchy of settlements which will be used to determine the scale and nature of growth. The settlement hierarchy ranks settlements according to their ability to accommodate additional growth. The hierarchy is based on a number of factors including: size and range of services and facilities; access to areas of employment; education; retailing and leisure (including access to such facilities by public transport) and capacity for growth – without undermining other planning objectives. Glen Parva is within the Principal Urban Area (PUA). Policy 1 seeks to locate most new residential development within and adjacent to the PUA and specifies that some 5,250 houses should be provided within such an area between 2006 and 2026. This issue is expanded upon below. Furthermore, Policy 1 also

encourages the use of previously-developed land and underused land and buildings. This issue has already been addressed earlier in this report.

Other Material Considerations

As has been stated previously, planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicated otherwise. In this case, the provision of housing land needs to be examined.

Residential Land Availability: EMRP / PPS3 implications on housing supply.

Members may be aware of a recent letter to Chief Planners from the Secretary of State, the Rt Hon Eric Pickles MP on the Abolition of Regional Strategies, which states:

'I am writing to you today to highlight our commitment in the coalition agreements where we very clearly set out our intention to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Consequently, decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

I will make a formal announcement on this matter soon. However, I expect Local Planning Authorities and the Planning Inspectorate to have regard to this letter as a material planning consideration in any decisions they are currently taking.'

Notwithstanding the above letter, the Regional Plan currently remains part of the operative development plan and in that respect the relevant housing provision figures are set out below in order for Members to make a fully informed decision.

Policy 13a (Regional housing provision) sets out the proposed annual Housing Provision rates for Blaby District between 2006 and 2026. Blaby District is required to deliver 380 houses per year (7,600 between 2006 and 2026).

The current position is that the District Council does not have a 5 year supply of deliverable housing sites for the District as a whole, with a supply of 2.3 – 2.8 years. Given the PUA/non-PUA division in the Regional Plan, it is appropriate to look at the supply also on this disaggregated basis. At present, the PUA part of the District has 0.6 – 0.7 years supply. With respect to the non-PUA part of the District, there is a supply of 5.7 – 6.8 years. The outcomes in terms of length of supply depend on the methodology used.

Paragraph 71 of PPS 3 indicates that, where a Local Planning Authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, planning applications should be considered favourably, having regard to the other policies and considerations in PPS 3. Whilst it is acknowledged that there is currently a significant shortfall of housing land within the PUA, your Officers consider, for the reasons already set out in this report, that there are serious objections to this

development which outweigh the considerations of paragraph 71 of PPS 3 and, accordingly, there is no sound justification for the release of this land for the residential development as proposed.

Other Matters

Blaby District Council Landscape and Settlement Character Assessment

Within the settlement assessment for Glen Parva, one of the recommendations in this document is to *“Protect and enhance the floodplain characteristics of the land between the fringes of Glen Parva and Blaby. This area forms an importance separation between the two settlements. Any changes should seek to retain and enhance this area”*. Given the height, density and layout of the proposal as shown on the submitted indicative layout, it is considered that the proposed development would fail to enhance the area and as such would conflict with this recommendation.

Conclusion

There are a number of key issues in the determination of this planning application, firstly the current policy position and, secondly, any other material considerations, principally relating to housing land availability, impact on the character of the area and Green Wedge, detailed design, contamination, archaeology and ecology. The proposed development is contrary to the provisions of the Development Plan and would result in unwarranted prominent development within the green wedge and be of unsatisfactory design. It is considered that the development is also contrary to Government guidance as expressed in PPS 1, PPS 3 and PPS 7. The policy position as stated above is contained within adopted Development Plans and, in accordance with legislation, an application has to be determined in accordance with those policies unless there are other material considerations. In putting forward other material considerations, the applicant is relying on the fact that the District Council has a shortfall in housing provision across the whole district and principally within the Principal Urban Area (PUA), and is previously developed land. It is therefore claimed that there is an immediate need to provide additional residential development. It is concluded that appropriate consideration has been given to paragraph 71 of PPS 3 and that in the case of this site there are material considerations (as set out in this report) which indicate that this application should be resisted. The application proposal is therefore recommended for refusal for the reasons stated above.

10/0272/1/PX	Registered date 17 May 2010	Mr Rhys Evans Erection of 8 dwellings with associated car parking and landscaping – Land at 55-57 Sycamore Street, Blaby
	Expiry date 12 July 2010	

RECOMMENDATION
PERMIT SUBJECT TO THE FOLLOWING CONDITIONS

1. Statutory 3 year condition.
2. Materials as specified.
3. Approved landscaping scheme to be carried out.
4. Removal of Permitted Development rights.
5. No further above ground floor level flank windows at units 1 and 8.
6. First floor flank windows to be obscurely glazed.
7. Finished floor levels as approved.
8. No gates to the vehicular access.
9. No surface water drainage onto public highway.
10. Parking spaces to be provided and retained.
11. Access/parking spaces surfaced in hard bound material.
12. 2.0m x 2.0m pedestrian visibility splays to be provided.
13. Brick wall to be erected on southern site boundary.
14. Programme of archaeological work to be agreed and undertaken.

NOTES TO COMMITTEE

Policy

Local Plan

Policy S9 – Blaby Central Area
Policy CE9 – Conservation Areas – Vistas/Street Scenes/Open Spaces
Policy T6 – Off Street Parking Provision

Consultations

Blaby Parish Council – No observations to make on this application.

County Highways – Comments awaited.

County Archaeology – The Leicestershire and Rutland Historic Environment Record shows that the application site lies in an area of archaeological interest. It is situated within the medieval and post-medieval core of Blaby and such remains from these periods are likely to be present. Numerous remains are known from within the grounds of Blaby Hall. Since the site has been previously developed, any remains present are likely to have been disturbed and are therefore unlikely to prevent an obstacle to development of the site. Recommend condition. (**See letter B attached**).

Severn Trent – Comments awaited.

Environmental Health Officer – No adverse comments to offer.

Representations

2 letters have been received from local residents objecting to/commenting on the proposal (**see letter B attached**).

Relevant History

08/0083/1/PXCS	Demolition of existing buildings and erection of part 3 storey, part 2 ½ storey building comprising 13 flats and ancillary facilities with associated car parking.	Refused 23.06.08
----------------	--	---------------------

EXPLANATORY NOTE

The Proposal

The application site area is approximately 0.09 Ha. It currently comprises vacant land further to the demolition of Numbers 55 and 57 Sycamore Street, a garage block and the former highway boundary wall. It is located to the east of the Aldi supermarket/flats building.

Eight two bedroom terraced dwellings are proposed with footprints ranging from approximately 33 to 38 sq. metres and a maximum ridge level height of some 8.5 metres is proposed. The overall width of the proposal is some 34.2 metres, comprising a staggered front elevation. Rear garden depths range from 6.5 to 9.5 metres. Details of external materials, finished floor levels and landscaping have also been supplied in addition to an independent valuation report submitted on behalf of the applicant.

A car park to the south of the site for 10 vehicles is shown with access onto Sycamore Street.

Planning Considerations

The site is within a Blaby Central Area (Policy S9), wherein the erection of new dwellings is acceptable in principle subject to compliance with the specified criteria.

The proposed erection of eight dwellings on this 0.09 Ha site significantly exceeds the Government's target advice for new housing densities contained within Planning Policy Statement 3: 'Housing'. However, the nature of surrounding development is very mixed and it comprises terraced, semi-detached and detached two storey dwellings. The Aldi supermarket and flats building is also located on higher ground to the rear of the site. It is considered that the proposed erection of eight terraced dwellings, which are traditional in appearance, would not be significantly out of keeping with the character of the locality or the setting of Blaby Conservation Area. Similarly, the relatively limited rear garden areas provided

would accord with other modest houses in the vicinity. Furthermore, the application site lies directly opposite Bouskell Park, which offers a large area of public open space.

There would be sufficient distance between the proposed development and existing properties fronting Sycamore Street to limit the scope for overlooking to acceptable levels. No.41D Sycamore Street has no principal habitable room windows in its facing flank elevation, whilst No.59 Sycamore Street is located at an angle, further back from the highway frontage to the south west.

No objection has been received from the Council's Environmental Health section in terms of the relationship with the proposed dwellings and the rear of the Aldi supermarket/flats building on higher ground to the west. An existing wall and close boarded fence, which exceeds 2.5 metres in height should limit any impact from noise and disturbance associated with the service area and residents' vehicular access of this adjoining premises to acceptable levels. Similarly, the two storey rear elevation of these flats is at least 21 metres away from the nearest main rear elevation of the proposed development. This should ensure reasonable levels of privacy and general amenity for future occupiers.

At least one on-site car parking space would be provided per two bedroom dwelling. This represents a shortfall of some six spaces with regard to the Council's adopted Off Street Parking Standards. However, the site is very close to the centre of Blaby, being served by public footpaths adjacent to No. 59, Sycamore Street and at Church Walk. Blaby is also well served by public transport, which is likely to result in future occupiers having a lower level of car ownership. It is also noted that the site was previously occupied by Numbers 55 and 57, Sycamore Street. Subject to the comments of the County Highway Authority on highway safety grounds, it is considered that it would be difficult to substantiate an objection on grounds of inadequate on-site parking provision.

The applicant has commissioned an independent valuation relating to the proposed development of this site. This report has concluded that any financial contribution required by the Council's Planning Obligations and Developer Contributions Supplementary Planning Guidance could seriously impact upon the whole viability of the scheme. On this basis, it is considered appropriate to not request a developer contribution towards off-site public open space `in this instance, given that the proposed development should significantly enhance the appearance of this unsightly vacant site, have a positive effect upon the setting of the Blaby Conservation Area opposite and insistence of provision of the contribution would jeopardise the scheme.

In light of the above, the proposal is considered to be acceptable and it is recommended favourably.

10/0321/1/OX	Registered date 30 April 2010	Bellway Homes Ltd (East Midlands)
	Expiry date 30 July 2010	Proposed residential development (maximum 68 dwellings) and associated landscaping and infrastructure with access from Station Road (outline) – Land off Station Road, Stoney Stanton

RECOMMENDATION

REFUSE FOR THE FOLLOWING REASONS:

1. The site of the proposed development lies within an area identified in the Blaby District Local Plan (1999) as countryside, where there is both national guidance and local policy in presumption in favour of protecting the open and undeveloped character and appearance of such areas. If developed in the manner proposed, there would be a loss of openness, which would be detrimental to the character and appearance of the open countryside. Accordingly, it is considered that the proposed development would conflict with the aims of Policy C2 of the Blaby District Local Plan (1999) and Government guidance contained in Planning Policy Statement 7: Sustainable Development in Rural Areas.
2. The District Council can demonstrate in excess of a 5 year housing land supply in the Non Principal Urban Area. This meets the requirements set out in Planning Policy Statement 3: Housing to maintain a minimum 5 year housing land supply within this part of the District. Accordingly, there is currently no justification, or over-riding material consideration, to warrant the release of this land for residential development.
3. The District Council has set out in the Core Strategy Submission Version its vision for the District including the number of dwellings to be developed within and adjoining the settlements which make up the District. The distribution of housing is based on a settlement hierarchy that ranks settlements according to their ability to accommodate growth and promote more sustainable communities. This seeks to ensure that houses, employment and other developments are in locations with the best range of facilities. Notwithstanding the current weight given to its Core Strategy, the District Council considers this to be a sound and robust planning strategy for the distribution of housing development across its district and in accordance with the general planning aim of guiding development towards sustainable locations. To permit this development would greatly exceed the number of dwellings identified for the settlement of Stoney Stanton and, therefore, undermine the aims and intentions of this strategy. It is the District Council's opinion that the proposed development would result in an inappropriate overprovision of residential development in Stoney Stanton, which would lead to pressures on the settlement's services and facilities. Accordingly, the proposal is considered to be unsustainable and therefore contrary to Policy 5 of the District Council's Core Strategy (Submission Version) (July 2009) and to the wider aims and intentions of national guidance contained in Planning Policy Statement 1 : Delivering Sustainable Development,

Planning Policy Statement 3: Housing and Planning Policy Statement 7: Sustainable Development in Rural Areas.

4. The site is in close proximity to the Foxbank Industrial Estate and Stressline site, within which the majority of units have no restrictions on working hours, and its associated access road. The Council considers, notwithstanding the submitted acoustic report, that the existing high industrial and vehicular noise levels show that the potential exists for disturbance to future occupiers. Furthermore, in order to mitigate against the noise, the applicant admits extensive mitigation measures will be needed. However, despite these measures, the Council considers noise levels will still cause annoyance to future occupiers of the proposed development and have a detrimental impact on their living conditions. As such, the proposal is contrary to the guidance contained in Planning Policy Guidance Note 24: Planning and Noise.
5. No assessment of the archaeological impact of the proposed development has been submitted in accordance with Policy CE1 of the Blaby District Local Plan (1999) and Planning Policy Statement 5: Planning for the Historic Environment. Therefore, it is not possible to make an informed planning decision without an appreciation of the archaeological interest of the site.

NOTES TO COMMITTEE

Policy

National Planning Guidance

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 5: Planning for the Historic Environment
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Guidance Note 13: Transport
Planning Policy Guidance Note 24: Planning and Noise

East Midlands Regional Plan (March 2009)

Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design
Policy 3 – Distribution of New Development
Policy 12 – Development in the Three Cities Sub-Area
Policy 13a – Regional Housing Provision
Policy 26 – Protecting and Enhancing the Region’s Natural and Cultural Heritage
Policy Three Cities SRS 3 – Housing Provision

Blaby District Local Plan (1999)

Policy C2: Other Development in the Countryside
Policy R4: Affordable Housing
Policy R13: Playspace for Children

Policy R14: Open Space Provision for Formal Recreation
Policy T4: Traffic Impact Assessments
Policy T6: Off Street Parking Provision
Policy CE21: Existing Trees and Woodlands
Policy CE22: Landscaping
Policy CE25: Crime Prevention
Policy IM1: Planning Obligations

Other Supporting Documents

Blaby District Local Development Framework Core Strategy Submission Version (July 2009)

Blaby District Landscape and Settlement Character Assessment (2008)

Consultations

Stoney Stanton Parish Council – Objects to this application for the reasons set out below:

“The site is located adjoining both a Primary Residential Area and an Industrial Area as designated in the Local Plan (1991-2006) but is outside the village boundary as it stands at the moment. The village has already taken a housing development which was commenced in 2006 of approximately 120 new houses. The Local Development Framework Plan, which outlines the housing requirements for 2006-2026, has indicated that Stoney Stanton will be expected to take an additional 275 dwelling in order to achieve the targets set for Blaby District. It also indicated that Stoney Stanton will be a centre for limited growth as it is 'best served' in villages to the south of the area and that smaller scale affordable housing developments will be allowed where there is demonstrable need. The proposal is for 68 dwellings. The proposal therefore needs to be assessed in the light of the Local Development Framework Plan as the Local Plan, is now out of date, and the recent approval for a development of 190 new homes in the village.

The Parish Council objects to any further residential development in view of the recent approval of 170 new homes off The Fleet and the impending appeal by Jelson against the refusal of 105 new houses. Under the LDFP the housing requirement for Stoney Stanton is 275. If the Jelson application is approved, the total new homes permitted to be erected will be 275. This coupled with the Bloor estate that was completed in 2006, which provided 120 new homes, would mean that Stoney Stanton has had 395 new houses within a period of five years. There has been no increase or improvement in village facilities in that time. Although it is the best served village in the south of Blaby District, its facilities and services are still limited and apart from the Doctor's surgery and chemist, does not act as a higher order centre for nearby villages. Retail facilities are only sufficient for daily needs; family weekly shopping is only feasible by travel to larger centres such as Hinckley, Fosse Park and Leicester. The medical facilities are provided by a GP surgery with travel to the larger centres of Hinckley, Nuneaton or Leicester for other than minor requirements. The same is true for education other than at infant and primary level. Public transport is basic and car travel is essential for other than day to day living.

Stoney Stanton is a rural village with corresponding facilities. Whilst it is considered to be better served than surrounding villages, it is felt that the existing new development and recently approved residential development have fulfilled the requirements for new housing. The village cannot be expected to take any further development without compromising its rural character, appearance and facilities. It is proposed to be a Rural Centre. The Council feels strongly that to allow any more development would lead to an urbanization of the area which would be contrary to the protection of the village as a Rural Centre. If permitted, it would have a cumulative and incremental effect of extending residential development into agricultural land outside the confines of the village boundary and lead to an oversupply of housing land in the village.

Note should be taken of the approval of a large development in Sapcote, the residents of which are likely to use the facilities in Stoney Stanton.

The main objection to the proposal is on the grounds of highways. PPG13 seeks to encourage development to offer people transport choices and not rely on the private car. The application states that the site is well located in terms of access to public transport and local facilities and encourages travel by alternative modes of transport. The application is contrary to PPG13 as the only alternative means of transport to that of the private car is an hourly bus service to Leicester, which is the one of the main centres for employment and services. There are also a considerable number of parishioners who work in the Coventry/Nuneaton area who have not been considered. There is no public transport available to this group. Whilst it is possible to walk or cycle to the local primary school and local shops, private transport is needed to travel to local colleges, main shopping areas and employment areas. The hourly bus service is not a suitable alternative as it takes over an hour to reach Leicester centre and does not go to Hinckley.

The development would be contrary to the interests of road safety by reason of increased traffic movements onto an already dangerous section of road with known accident rates and speeding concerns. It is also contrary to the interests of highway safety as it would result in additional traffic onto Station Road which is already used at unacceptable levels. The proposal will access directly onto the HGV route adding additional traffic movements to this route. The proposal site is adjacent to a busy industrial site with a high number of traffic movements. The village primary school is situated on Station Road and any further traffic would only add to the inherent dangers of a school being close to a busy road.

The village roads are all extremely busy and are inadequate to cope with existing traffic. Station Road leads westwards to a narrow crossroads. The crossroads is a turning area for large Calor Gas lorries to get to their depot in Huncote Road. There is already traffic congestion and vehicle back-up at this junction at peak times, so any increase in traffic would serve to add to this congestion. A recent site survey indicated that at peak times of 7.30-9.30 am, a total of 1875 vehicles used the cross roads junction, far more than quoted figures. There are no 'real-time' figures for traffic movements only anecdotal or traffic models. A full and detailed traffic count should be done to ascertain the true figures. This however, should not be done until all roads are open and functioning following the completion of all rail bridge works being carried out at the present time. If a count is taken during the rail bridge closures, a false count

would be obtained as these closures will severely affect traffic flow, especially to and from Elmesthorpe along Station Road.

Further no account has been made to the fact that there is an application pending for a Biodigester which, if approved, would bring additional HGV vehicles onto Station Road and through the village.

The developers indicate that there are no reports of flooding. This is contrary to known conditions. There is a history of flooding in this area which can be confirmed with photographs and data. The sewerage system which will serve this development is known to be inadequate. A ponding area was created to the rear of Meadow Close to take storm surge and this was to cater for existing development. It is considered that any additional development will exacerbate this inadequacy and lead to flooding of homes in Meadow Close in storm conditions. There is a history of sewers backing-up and flooding homes in the The Fleet area in the west of the village due to the inadequacy of the foul sewerage system. It is further considered that additional discharges arising from the proposal site can only increase the inadequacy and lead to more flooding and back up in this area as the system leads through to the sewage works in fields adjacent to The Fleet.

The noise assessment report indicates that there will be acoustic measures taken to minimize noise pollution from the adjoining industrial site. However, it has been found by residents in the development to the west of the industrial site that these measures do not work. The majority of the minimizing measures rely on thickness of windows. In the Summer, residents need to open windows which then negates any acoustic measures.

As a point of interest there are 43 houses for sale in the village: this would indicate that there is no demonstrable need for further development at this time.”

County Highways – Comments awaited.

County Archaeology – Typically expect an application for a development of this scale to be accompanied by an assessment of the archaeological impact. Looking at the Historic Environment Record, little is known about the archaeological potential of the development site and this is likely to be due to an absence of archaeological investigation, rather than a reliable absence of archaeological remains. It is requested that such information is supplied in accordance with PPS 5: Planning for the Historic Environment. It would not be possible for the Planning Authority to make an informed planning decision without an appreciation of the archaeological interest of the site (**See letter C attached**).

County Ecology – The Ecology Report submitted in support of this application is satisfactory. No protected species or ecological features of note were identified and no further action is required. The recommendations concerning ecological enhancement are endorsed. (**See letter C attached**).

County Education – At the present time the local primary school is full and forecast to remain so. Consequently, an education contribution of £177,347.16 is requested for Manorfield Church of England Primary School.

County Libraries – Requests a contribution of £4,080 towards the costs of an enhanced programme of refurbishment and improvements to facilities including equipment and other library materials.

County Waste Management – Seek developer contributions towards Civic Amenity Site Infrastructure at Barwell and Whetstone. Stoney Stanton is in between these two sites and it is assumed that residents may use either site. A contribution of £1536.00 is requested based on the magnitude of the development.

County Access Officer – The intention is to divert the public footpath to enable the development to take place. There are no plans or further details identifying the suggested alternative route through this site. Objects to the proposal at this time. (See letter C attached).

Police Force Architectural Liaison Officer – The level of crime on the local beat is at the average level for the Police area. This has dropped slightly in the last year masking increases in vehicle crime, violent crime and anti-social behaviour in the area. Crime is evenly spread including incidents in the recently completed housing adjoining the site. However, there is a marked concentration of incidents towards the centre of the settlement.

The suggested layout is likely to achieve a reasonable level of permeability with open space adjoining fields to the west and the existing footpath diverted to run through the site on estate roads. The important frontage identified along the existing road might be better served by houses without an estate road in front. Access would be possible from the rear via courtyard parking from a private drive.

With the scant amount of design detail provided, a condition is suggested to be imposed on any outline planning permission to ensure adequate consideration of Community Safety matters.

The application does not consider the implications of the development for the delivery and maintenance of local policing. A one off capital contribution of £41,208 is sought from this scheme reflecting current metrics which are based on the need to accommodate and equip the additional staff necessary to police the development. Such contributions have been held to be necessary and reasonable at appeal. The lack of consideration of how the development will provide for the policing needs it generates is one of principle. Therefore, a formal objection is raised (see letter C attached).

Leicestershire Primary Care Trust – The area is served by two GP practices: The Old School Surgery, Hinckley Road, Stoney Stanton and The Burbage Surgery, which also has a branch surgery in Sapcote. All three locations have capacity deficits and therefore need expansion to cope with their existing populations. The Stoney Stanton practice has load/capacity deficit of 40 sq. metres and each GP has a list of 2345, which is considerably higher than the desired national average. Seek to secure a capital contribution of £65, 340 from this development and ensure the money is directed towards these healthcare facilities (see letter C attached).

Severn Trent – No objection to the proposal subject to a condition (**see letter C attached**).

Environment Agency – Comments awaited.

Ramblers Association – The proposed development would be quite dense and require a substantial road network to provide for the residents. The density of traffic would reduce the pleasure of the right of way (V17 Stoney Stanton) if it were to become pavement walking. It is desirable to keep enjoyment of traffic free routes wherever possible.

Environmental Protection Manager – As the site is bounded to the north by the Foxbank Industrial Estate and Stressline, to the east by the access road serving these two sites and to the south by Station Road, noise is a major consideration. The applicant has therefore provided an acoustic study to assess and judge the impact arising from these noise sources.

This report raises many issues of concern and concludes the following: some of the site is exposed to noise levels that are in NEC C (PPG 24), a category where planning permission should not normally be granted; background measurements show that the potential exists for disturbance due to noise from the industrial estate and access road; BS4142 methodology gives a positive indication that industrial noise is such that complaints are likely both during the day and night; high noise levels show that the potential exists for disturbance to be caused particularly along the northern and eastern boundaries; and the mitigation proposed is extensive consisting of a combination of acoustic absorbent and reflective barriers, secondary glazing with staggered openings and absorbent reveals and permanent extraction combined with high performance trickle vents

An additional factor is that the sound level within a residential building is not the only consideration; most residents will expect a reasonable degree of peaceful enjoyment of their gardens and amenity areas. There are concerns that despite mitigation the external levels in some areas will still cause annoyance. Noise from vehicular movements along the access road is still an issue which continues to give rise to complaints from residents off Pickering Close.

In view of the potential for annoyance and noise to affect the development an objection is raised to the application.

Housing Strategy & Enabling Officer – Recommended provision of 25% affordable housing (17 units) with a tenure mix of 76% social rent and 24% shared ownership.

Representations

207 letters have been received from local residents in addition to 3 letters on behalf of The Old School Surgery and 1 letter on behalf of Stressline objecting to/commenting on the proposal covering the following points:

- i) Highway safety issues concerning additional traffic generation and road capacity, means of access, pollution, visibility and the added risk to pedestrians, cyclists and children and parents that attend Manorfield Primary School. A covert police survey in March 2010 showed 1 in 3 vehicles were exceeding the speed limit. Traffic calming measures are required due to the high volume of accidents. Traffic difficulties are already caused by Stressline and Calor lorries. The proposed access to the development is dangerous as the bend leading out of the village into Elmesthorpe is already an accident hot spot. It is just inside the 30mph limit, metres from a mini-roundabout, the Spires development and Manorfield Primary School and alongside industrial premises that have articulated trucks delivering and leaving on a regular basis.
- ii) The proposed development by reason of its size, depth, width and height and massing would have an unacceptably adverse impact on the properties immediately adjacent to the site and the surrounding area by reason of overlooking, loss of privacy and visual overbearing impact.
- iii) The doctor's surgery has been stretched since the houses were built by Bloor Homes, off Station Road, it is very difficult to get appointments and there is nowhere to expand. The Primary School would not be able to cope with the additional numbers of children that would be attending the school. This is prior to the approved 170 houses being built at the rear of The Fleet and there are currently only 12 places left. It would also have an adverse effect on Heathfield High School, the library and local shops. Inadequate local amenities, shops, play-areas, parks and restaurants exist.
- iv) Stressline's application was refused planning permission for longer working hours. In spite of various solutions to protect the business and new residents on the Couture site, activities are now the source of complaints from the residents of Pickering Close, which will undoubtedly increase. The bulk of the Stressline site has 24 hour operation and to ensure this principal employer within the village still has a future, it is requested that adequate acoustic safeguards are imposed.
- v) Flooding, drainage and surface water concerns as the B581 only has surface water drainage collection on one side and it regularly floods, which will be insufficient based on the increase of water. Mountsorrel Cottages are now below the level of the road posing a flood risk.
- vi) Affects wildlife, including badgers and wildflowers in the area.
- vii) Scheme is contrary to the principle of good village planning. Building plans have gone beyond the village envelope on agricultural land. The most westerly buildings are Mountsorrell Cottages although the concept plan would extend this by a further 40 – 50 metres of buildings, leading to a creeping extension of the village. The 250 homes allocated for the village have been exceeded with the new estate at the rear of The Fleet. Extremely limited public transport in this village means car use is inevitable and makes the development unsustainable.

- viii) The removal of the public footpath, which crosses the field, would affect a large number of residents that have used it for dog walking and general exercise for many years.
- ix) More affordable family housing within Stoney Stanton is to be encouraged.
- x) Non-planning issues.

Relevant History

None.

EXPLANATORY NOTE

The Proposal

The application site is located to the west of Stoney Stanton and to the north of Station Road. It comprises agricultural fields with an area of approximately 2.5Ha, on relatively level land, which is largely free of vegetation with the exception of field boundary hedgerows. The Foxbank Industrial Estate lies immediately to the north with its access to the east. A public footpath (V17) diagonally crosses the site from its south east corner.

This is an outline application for the development of 68 dwellings, which would provide a density of approximately 37 dwellings per acre and the provision of approximately 0.7 Ha of public open space with landscape buffer planting beyond to the west. It has been proposed that the dwelling ridge heights would be within a range of 7.1 to 11.7 metres in height. An indicative layout has been submitted, which would include: 1 bed units (3%), 2 bed units (32%), 3 bed units (44%), and, 4 bed units (21%). At least 25% of the proposed dwellings would be affordable units.

Only the matter of access is to be considered at this stage, which would be gained from Station Road approximately 50 metres to the west of Mountsorrel Cottages opposite. An illustrative site layout has been provided.

The following documents have been submitted in support of the application:

Design and Access Statement;
Planning Statement;
Drainage and Flood Risk Assessment;
Ecological Assessment; and,
Noise Assessment.

The agent has confirmed that any reasonably related contribution requests towards infrastructure deficiency would be met.

Planning Considerations

Section 38(6) of the Town and Country Planning Act, 1990 requires planning applications to be determined in accordance with the provisions of the

Development Plan unless there are other material considerations which indicate otherwise. This section of the report will first consider the proposed development against the policy background and then consider any other material considerations.

There are a number of themes which run through national guidance and have eventually found expression locally through the Development Plan. Key themes in the case of this application are that new development should be sustainable, previously developed land should be developed before greenfield sites and the countryside should be protected for its own sake.

National Planning Guidance

Planning Policy Statement 1 (PPS 1): Delivering Sustainable Development

This policy statement establishes the key principles for delivering sustainable development through the development plan system and the determination of planning applications. The emphasis is that development plans allow for development of sufficient housing in sustainable locations and that new development is of good design.

The general location of the development adjacent to the settlement of Stoney Stanton demonstrates reasonable levels of sustainability and linkages with the existing built-up area. However, consideration also needs to be given to the cumulative impacts of recent development approved off The Fleet, together with the additional impact of the development subject of this application.

Planning Policy Statement 3 (PPS 3): Housing

Paragraph 68 of this statement states “... *Local Planning Authorities should have regard to the policies in this statement as material considerations which may supersede the policies in existing Development Plans*”. At paragraph 52 it states that the delivery of a flexible responsive supply of housing land needs to reflect the principles of “Plan, Monitor, Manage”. Housing land supply will be considered later in this report.

PPS 3 also advises that good design is fundamental to the development of high quality new housing which contributes to the creation of sustainable, mixed communities. This reflects the guidance in PPS 1.

Planning Policy Statement 5 (PPS 5): Planning for the Historic Environment

This sets out planning policies on the conservation of the historic environment, which should be conserved and enjoyed. The parts of the historic environment of significance are called heritage assets. Where an application site is considered to have the potential to include heritage assets with archaeological interest, an appropriate desk-based assessment and/or a field evaluation should be required.

Planning Policy Statement 7 (PPS 7): Sustainable Development in Rural Areas

This statement emphasises the sustainability criteria and general approach set out in PPS 1, including the discouragement of “the development of “green field” land...” It encourages new development to be focused in or near local service centres where there is already a range of facilities. Such centres should be identified through the LDF process. The importance of the countryside is also recognised, as is the value of local landscape. It seeks protection for these areas without, where possible, resorting to formal designation but it is recognised that a formal designation may be required in some cases. Again, these matters should be considered through the LDF process.

The application site is located outside the settlement boundary and within countryside and therefore within an area that should be protected for the benefit of all, unless other material considerations of significant weight are put forward. The residential development of this countryside site would clearly be contrary to the advice contained within PPS 7.

Planning Policy Guidance Note 13 (PPG13): Transport

The objectives are to promote more sustainable transport choices; promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and to reduce the need for car travel.

Planning Policy Guidance Note 24 (PPG24): Planning and Noise

States that it will be hard to reconcile some land uses, such as housing, with other activities which generate high levels of noise. Noise sensitive developments should be separated from major sources of noise unless it is practicable to mitigate its impact through the use of conditions.

DEVELOPMENT PLAN

East Midlands Regional Plan (March 2009)

The East Midlands Regional Plan adopts a policy of urban concentration. This is reflected in Policy 3: Distribution of New Development, which supports new development in and adjoining the Principal Urban Area (PUA) of Leicester. The next tiers of preferred locations are growth towns such as Corby, Kettering and Wellingborough and sub-regional centres. The final tier is development in other settlements and rural areas where development would contribute to: maintaining the distinctive character and viability of rural communities; shortening journeys and facilitating access to jobs and services; strengthening rural enterprise and linkages between settlements and their hinterlands. The application site falls within this final category of settlement.

Policy 3 also states: “In assessing the suitability of sites for development, priority should be given to making best use of previously developed land and vacant or under-used buildings in urban or other sustainable locations, contributing to the

achievement of a regional target of 60% of additional dwellings on previously developed land or through conversions”.

Whilst Stoney Stanton does not have significant employment opportunities, there are a small number of employment sites within the village and a small retail centre that is functioning well. In addition, there exists a wide range of other services including a primary school, medical services, a community hall and a number of other facilities in the village. Stoney Stanton is also identified as a rural centre in the emerging Core Strategy and the principle of allowing some growth in this village is consistent with the Regional Spatial Strategy.

Notwithstanding the fact that the application site is not uppermost in the hierarchy for development in the context of the Regional Plan, Policy 3 above does allow for development needs of “other settlements”. Policy 12: Development in the Three Cities Sub-Area also states “Outside 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 those settlements, in locations that respect environmental constraints....”

Blaby District Local Plan (1999)

Policy C2: Other Development in the Countryside

The application site is located within an area of Countryside wherein there is a general presumption against development unless it is essential for the needs of agriculture, etc. The policy does allow for small scale uses and a range of criteria against which any proposals for development will be measured.

Residential development, except in specific circumstances, is not identified as being an acceptable use.

Policy R1

Notwithstanding that Policy R1 relates to developments within the built-up area and Primarily Residential Areas, the elements of the policy that relate to design are considered to be pertinent to the consideration of this application for major residential development. Whilst the application has been submitted in outline form only, one of the key issues relates to ensuring that the development secures a satisfactory living environment for future residents, given the proximity of the application site with Foxbank Industrial Estate and Stressline and the associated access road.

Policy R4: Affordable Housing

Affordable housing provision would be required for this site. This is acknowledged in the submission with an agreement to provide in excess 25% of the total number of dwellings. The tenure balance has been identified as 79% social rented and 21% shared ownership.

Policy R13: Playspace for Children; and
Policy R14: Open Space Provision for Formal Recreation

A 0.7 Ha area of public open space is proposed, with the main area to the west of the application site, beyond the primary internal road and a smaller area located more centrally. The provision of this amount of public open space would be excess of the Council's requirements of 0.4 Ha per 100 dwellings, which would help to provide a buffer between the built-up area and the adjoining open Countryside. Sufficient land would be available to provide children's playspace at a minimum ration of 0.04 Ha per 20 dwellings in this case.

Policy T4: Traffic Impact Assessments

No Transport Assessment has been submitted with the application. Existing local services and facilities would be accessible to pedestrians as the site is some 500 metres (minimum) from the centre of Stoney Stanton and a bus stop on Station Road is located opposite the proposed development. An alternative design and route would be required for public footpath (V21), which has not been clarified at this stage.

Policy CE1: Scheduled Ancient Monuments and Archaeological Sites

Planning applications for development on sites of suspected archaeological importance are required to be accompanied by an archaeological assessment and (if shown necessary) evaluation.

Policy CE21: Existing Trees and Woodlands

There are no important trees or hedgerows identified within the main section of the application site in terms of quality and value. There should be scope to retain many existing field boundary hedgerows to the south and east periphery of the site. The development of this agricultural land would have a limited ecological impact.

Blaby District Local Development Framework

The weight that can be given to the Core Strategy will increase as it passes through its various stages of preparation towards adoption. At present it is an expression of the Council's preferred strategy. Blaby District Council completed its Local Development Framework Core Strategy (Submission Version) (July 2009) consultation on 10th September 2009. Approximately 600 representations were received.

Emerging Core Strategy (Submission Version) Policy 5 – Settlement Hierarchy

This policy seeks to focus new development in the most appropriate locations through a hierarchy of settlements, which will be used to determine the scale and nature of growth. The settlement hierarchy ranks settlements according to their ability to accommodate additional growth. The hierarchy is based on a number of factors including: size and range of services and facilities; access to areas of employment; education; retailing and leisure (including access to such facilities by

public transport) and capacity for growth without undermining other planning objectives. Stoney Stanton has been identified as a rural centre, which is considered appropriate to accommodate limited growth as it is the largest and best served of the villages to the south of the District, which also acts as a higher order centre for other nearby villages. It has been considered capable of accommodating some 275 units. It is noted that some 295 houses have been developed or have planning permission (from the base date of 2006) including the recent approval for 170 dwellings on land off The Fleet. This leaves a surplus of some 20 houses. This current proposal would therefore further exceed the number identified for Stoney Stanton in the emerging Core Strategy. If approved, there would be some 363 houses approved in Stoney Stanton post 2006 (some 32% above the level originally envisaged to be acceptable for this settlement). An appeal decision relating to the refusal of outline planning application 09/0692/1/OX for a proposed residential development (maximum 105 dwellings) off Huncote Road is also awaited, which would further exacerbate this over-provision.

Other Material Considerations

As has been stated previously, planning applications must be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise. In this case, there is one area which needs to be examined, namely the provision of housing land/residential land availability and whether the material consideration is of such weight that the adopted policies of the Development Plan should not prevail in relation to this proposal and this site.

Residential Land Availability

Members are aware of a recent letter to Chief Planners from the Secretary of State, the Rt Hon Eric Pickles MP on the Abolition of Regional Strategies, which states:

"I am writing to you today to highlight our commitment in the coalition agreements where we very clearly set out our intention to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Consequently, decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

I will make a formal announcement on this matter soon. However, I expect Local Planning Authorities and the Planning Inspectorate to have regard to this letter as a material planning consideration in any decisions they are currently taking"

Notwithstanding the above letter, the Regional Plan currently remains part of the operative development plan and in that respect the relevant housing provision figures are set out below in order for Members to make a fully informed decision.

Policy 13a sets out the proposed annual housing provision for the District of Blaby between 2006 and 2026. The District is required to deliver 380 dwelling completions per annum (7,600 between 2006 and 2026). Of the 380, Policy Three

Cities SRS 3 indicates that at least 250 dwellings per annum should be within or adjoining the Leicester Principal Urban Area (PUA).

The current position is that the District Council does not have a 5 year supply of deliverable housing sites for the District as a whole, with a supply of 2.3 – 2.8 years. Given the PUA/non-PUA division in the Regional Plan, it is appropriate to look at the supply also on this disaggregated basis. At present the PUA part of the District has 0.6 – 0.7 years supply. With respect to the non-PUA part of the District, there is a supply of 5.7 – 6.8 years. The outcomes in terms of length of supply depend on the methodology used. Notwithstanding this, there is a 5 year supply of deliverable housing sites in the non-PUA part of the District where Stoney Stanton is located.

PPS 3 indicates that, where a Local Planning Authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, planning applications should be considered favourably, having regard to other policies and considerations in PPS 3. This presumption should not apply in this case as Stoney Stanton is in the non-PUA part of the District which has more than a 5 year supply of deliverable housing sites.

Conclusion

The key issues in the determination of this planning application relate to; the current policy position and any other material considerations, namely housing land availability, the impact of the adjoining Foxbank Industrial Estate upon future occupiers' amenities and any archaeological implications.

The policy position is that the site lies within an area defined as Countryside in the Blaby District Local Plan (1999), where there is a general presumption against development except in a few cases. Residential development is not one of the exceptions set out in the Plan. The policy of the Local Plan conforms with Central Government Guidance, as set out in PPS 7: "Sustainable Development in Rural Areas", which seeks to protect the countryside for its own sake.

Having established the policy position, the proposal needs to be assessed against any other "material considerations". In this case, with an application for residential development, the other material consideration is whether the Council currently has a 5 year housing land supply.

In this regard, it should be noted that, despite the Coalition Government's intended abolition of Regional Plans (and the housing requirements contained within them), Government Guidance contained in the recently re-issued PPS 3 still requires Councils to have a minimum of 5 years housing land supply.

In terms of housing land supply, the applicant appears to rely heavily on the fact that the District Council has a shortfall in its 5 year housing provision across the whole district and therefore that there is a need to provide additional residential development. Whilst the lack of a 5 year supply across the District as a whole is not disputed, it is also apparent that the disaggregation of the housing supply figures between the PUA and non PUA supply is an acceptable approach to take in

the distribution of housing land and, indeed, has been accepted as reasonable by appeal inspectors. Given recently approved residential developments in the non PUA, the position now is that the Council considers that it can demonstrate a 5 year supply in the non-PUA; a position it also feels it can robustly defend.

Even if that were not the case, the Council also considers that to permit additional dwellings over and above the number identified for each settlement in the Core Strategy would undermine the Council's vision for development of the District and, cumulatively, likely to put unacceptable pressure on the village's services and infrastructure. Policy 5 of the Core Strategy, 'Settlement Hierarchy', identifies Stoney Stanton as a Rural Centre. The settlement hierarchy ranks settlements according to their ability to accommodate additional growth. This ability is based on a number of factors including size and range of services and facilities, access to areas of employment, education, retailing and leisure (including access to such facilities by public transport) and capacity for growth. In Stoney Stanton, a recent planning permission has been granted for 170 dwellings off The Fleet and some 120 houses have been constructed at the former Couture site. This represents a surplus of some 20 dwellings with regard to the requirement identified in the Core Strategy, which was considered to be acceptable. However, if the current application were to be approved, this would result in exceeding the identified figure by some 32%.

Whilst the weight that can be afforded the Core Strategy is limited because of the stage it is at in the LDF process, it is, at present, the only clear expression of the Council's policy for development of the District.

On the basis that there is now in excess of a 5 year housing land supply within the non PUA of the District, housing land supply is not considered to be a material consideration.

The applicant's submitted acoustic report raises many issues of concern and highlight the need for extensive mitigation within the residential buildings to protect against noise. However, most residents will expect a reasonable degree of peaceful enjoyment of their gardens and amenity areas and there are concerns that despite mitigation, the external noise levels in some areas will still cause annoyance.

No assessment of the archaeological impact of the proposed development has been submitted. Therefore, it is not possible to make an informed planning decision on this matter alone without an appreciation of the archaeological interest of the site.

In the light of the conclusions above, it is recommended that planning permission be refused for the reasons set out at the beginning of this report.

10/0331/1/OX	Registered date 28 April 2010	Davidsons Group
	Expiry date 28 July 2010	Proposed residential development (maximum 120 dwellings), associated landscaping and infrastructure with access from Willoughby Road (outline) – Land at Willoughby Road, Countesthorpe

RECOMMENDATION

REFUSE FOR THE FOLLOWING REASONS:

1. The site of the proposed development lies within an area identified in the Blaby District Local Plan (1999) as Countryside where there is both national guidance and local policy in presumption in favour of protecting the open and undeveloped character and appearance of such areas. If developed in the manner proposed, there would be a loss of openness which would be detrimental to the character and appearance of the open countryside. Accordingly, it is considered that the proposed development would conflict with the aims of Policy C2 of the Blaby District Local Plan (1999) and Government guidance contained in PPS 7: Sustainable Development in Rural Areas (2004).
2. The District Council can demonstrate in excess of a 5 year housing land supply in the Non Principal Urban Area. This meets the requirements set out in Planning Policy Statement 3: Housing to maintain a minimum 5 year housing land supply within this part of the District. Accordingly, there is currently no justification, or over-riding material consideration, to warrant the release of this land for residential development.
3. The District Council has set out in the Core Strategy Submission Version its vision for the District including the number of dwellings to be developed within and adjoining the settlements which make up the District. The distribution of housing is based on a settlement hierarchy that ranks settlements according to their ability to accommodate growth and promote more sustainable communities. This seeks to ensure that houses, employment and other developments are in locations with the best range of facilities. Notwithstanding the current weight given to its Core Strategy, the District Council considers this to be a sound and robust planning strategy for the distribution of housing development across its District and in accordance with the general planning aim of guiding development towards sustainable locations. To permit this development would greatly exceed the number of dwellings identified for the settlement of Countesthorpe and, therefore, undermine the aims and intentions of this strategy. It is the District Council's opinion that the proposed development would result in an inappropriate overprovision of residential development in Countesthorpe which would lead to pressures on the settlement's services and facilities and where, in addition, access to employment, retailing and leisure uses within the settlement are limited. Accordingly, the proposal is considered to be unsustainable and therefore contrary to Policy 5 of the District Council's Core Strategy (Submission Version) (July 2009) and to the wider aims and

intentions of national guidance contained in Planning Policy Statement 1 (PPS 1): Delivering Sustainable Development, Planning Policy Statement 3 (PPS 3): Housing and Planning Policy Statement 7 (PPS 7): Sustainable Development in Rural Areas.

NOTES TO COMMITTEE

Policy

National Planning Guidance

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Guidance Note 13: Transport

East Midlands Regional Plan (March 2009)

Policy 1 – Regional Core Objectives
Policy 2 – Promoting Better Design
Policy 3 – Distribution of New Development
Policy 12 – Development in the Three Cities Sub-Area
Policy 13a – Regional Housing Provision
Policy 26 – Protecting and Enhancing the Region’s Natural and Cultural Heritage
Policy 48 – Regional Car Parking Standards
Policy Three Cities SRS – Housing Provision

Blaby District Local Plan (1999)

Policy C2: Other Development in the Countryside
Policy R4: Affordable Housing
Policy R13: Playspace for Children
Policy R14: Open Space Provision for Formal Recreation
Policy T4: Traffic Impact Assessments
Policy T6: Off Street Parking Provision
Policy CE21: Existing Trees and Woodlands
Policy CE22: Landscaping
Policy CE23: Crime Prevention
Policy IM1: Planning Obligations

Other Supporting Documents

Blaby District Local Development Framework Core Strategy Submission Version (July 2009)
Blaby District Landscape and Settlement Character Assessment (2008)

Consultations

Countesthorpe Parish Council – The Parish Council makes the following comments:

“The Parish Council wish to re-iterate their previous comments as well as adding – as the Hallam’s application for Leicester Road has been approved, the additional 180 dwellings will more than exceed the quota of houses required to be built in Countesthorpe. The Council also wish to add Blaby District Council’s reasons for refusal of the first application. The Parish Council is categorically against this application on the following grounds:

- 1. An increase in traffic, particularly at the staggered crossroads of Cosby Road and Willoughby Road. It is felt that this junction in particular is busy and dangerous at times, without the added cars that a development of 120 will incur.*
- 2. Construction traffic along Willoughby Road, together with slow-moving farm traffic, will prove dangerous and hazardous, particularly for the number of school children who use the Parish Council’s playing fields adjacent to the proposed new development.*
- 3. A blatant intrusion into the open countryside.*
- 4. Fields around the proposed development, in particular to the rear of Mennecy Close, is subject to flooding (a resident explained that the whole of her home has been flooded on several occasions and feared the worst once building began).*
- 5. The amount of wild life that lives in and around this area will be disturbed and their habitats destroyed.*
- 6. It has been decided that 300 houses must be built in Countesthorpe during the period 2006-2026. To date, 339 houses have been given the go-ahead to be built. It is felt that enough is enough and as Countesthorpe has now met the limit, a stop should be put on any further development forthwith.*
- 7. In conclusion, I enclose a copy of a letter received from the Council for the Protection of Rural England that gives several reasons as to why this development should not take place.”*

(The District Council’s previous reasons for refusal then follow)

County Highways – No objections subject to conditions including a requirement for a junction improvement at the Cosby Road / Winchester Road / Willoughby Road staggered crossroads. A contribution towards highway works and improvements to bus stops and bus service, the provision of bus shelters and the provision of travel packs and bus passes, etc, is also sought.

County Archaeology – Awaiting comments.

County Ecology – Recommends as a precautionary measure a condition requiring the provision of amphibian fencing (**see letter D attached**).

County Education – At the present time, there is a surplus capacity on the local primary, high and upper schools. An education contribution will therefore not be requested for any sector.

County Waste Management – No request for contribution as the site at Whetstone has sufficient capacity for a development of this size.

County Libraries – Requests a pro-rata contribution towards refurbishment and improvements to facilities.

County Planning – Same comments as previous scheme: Identifies that the site lies in open countryside (saved Policy C2 of the Blaby District Local Plan applies). It then considers the housing land supply position. The approach to dwelling distribution set out in the Core Strategy, although this has not undergone examination, appears appropriate in principle. Development should be resisted unless the allocation figure in the consultation draft Core Strategy has a considerable degree of flexibility (**see letter D attached**).

Policy Force Architectural Liaison Officer – Makes comments about the illustrative layout. A contribution of £72,720 is requested (**see letter D attached**).

Fire Authority – Requests a contribution of £10,216.80 to offset the capital expenditure the development would impose on the Authority (**see letter D attached**).

Environment Agency – No objection subject to the imposition of conditions in respect of flood risk mitigation and the submission and approval of foul and surface water drainage schemes (**see letter D attached**).

Severn Trent Water – No objection subject to the imposition of a condition requiring the submission of a foul and water drainage scheme (**see letter D attached**).

Council for the Protection of Rural England (CPRE) – (copy of previous comments received). This site has offered 25% affordable housing compared with 30% on other sites. The density is below that recommended in Government guidance. The site falls within an area identified as countryside. The development is premature (**see letter D attached**).

Council's Environment Protection Manager – Same comments as previous scheme: storm drainage should be through a SUDS or alternative system.

Council's Forestry and Arboricultural Consultant – Same comments as previous scheme: no objection subject to a well considered tree planting scheme for the development being submitted.

Council's Community Safety Officer – Awaiting comments.

Primary Care Trust – Requests a Section 106 contribution based on a “per dwelling” figure. Funding would be directed to the two practices for the catchment area, which are in Countesthorpe and in Blaby.

Representation – 405 letters of representation have been received at the time of writing this report. The main issues raised are summarised below:

1. Countesthorpe has been extended and there is no immediate requirement for further development.
2. The additional traffic would cause “chaos” and “danger”.
3. Existing queuing traffic in the village.
4. The existing Willoughby Road / Cosby Road junction is dangerous.
5. Restricting car parking within the site would result in on-street parking.
6. More traffic would lead to “rat running”.
7. Utilities, particularly sewage, are already over stretched.
8. Lack of amenities in the village.
9. Difficulties getting appointments at the doctor’s surgery.
10. Capacity within the schools is limited or non existent.
11. Loss of view – overlooking.
12. Increase in pollution.
13. Loss of wildlife.
14. Gathering of “youths” because of lack of amenities.
15. Problems of access for construction traffic.
16. Access to the site is dangerous; other applications close by have been refused in the past for this reason.
17. Loss of village identity.
18. Detrimental impact on the nearby allotments as a result of vandalism and surrounding buildings.
19. Increased pollution from vehicles.
20. Existing problems of flooding will be exacerbated.
21. The rate of growth of the village what is required to meet the requirements over the period 2006-2026.
22. Lack of access for disabled people to existing facilities and access made difficult by cars parking partially on the pavement which affects wheelchair users, pushchair users and visually impaired. This will get worse as a result of increased numbers of cars in the village.
23. Existing problems of low water pressure will be made worse.
24. Impact on the existing allotments:
 - Loss of security;
 - Loss of the attractive setting;
 - Because of the nature of the site, the offered allotments would be difficult to cultivate;
 - The legal status of the community allotment;
 - Localised flooding;
 - Further extension of built development;
 - Loss of wildlife are;
 - Potential for further development in the future.
25. Loss of property value.

Copies of the letters have been placed in the Members' room and will be available in the Council Chamber prior to the meeting.

Relevant History

09/0780/1/OX	Proposed residential development (maximum 120 dwellings) associated landscaping and Infrastructure with access from Willoughby Road (Outline)	Refused 22.03.10
89/0972/1/PX	Erection of one dwelling house on land north-east side of Willoughby Road, Countesthorpe adjacent to number 14	Allowed on Appeal
76/0461/1/PX	This application was on land forming the western part of the site bounded by the arc of Poplar Trees	Refused

Some of the trees on the site are protected by the Blaby District Council (Willoughby Road, Countesthorpe) Tree Preservation Order 1976.

EXPLANATORY NOTE

The Proposal

The application is an outline with all matters reserved for subsequent approval. The applicant has indicated that the site could accommodate 120 dwellings and the illustrative layout shows on-site public open space, etc.

This re-submitted application follows the refusal by the Committee of an identical scheme in March 2010 (ref.no. 09/0780/1/OX), for the following reasons:

1. The site of the proposed development lies within an area identified in the Blaby District Local Plan as Countryside where there is both national guidance and local policy in presumption in favour of protecting the open and undeveloped character and appearance of such areas. If developed in the manner proposed, there would be a loss of openness which would be detrimental to the character and appearance of the open countryside.
2. The District Council can demonstrate in excess of a 5 year housing land supply in the Non Principal Urban Area. This meets the requirements set out in Planning Policy Statement Note 3: "Housing" to maintain a minimum 5 year housing land supply within this part of the District.
3. The District Council has set out in the Core Strategy Submission Version its vision for the District including the number of dwellings to be developed within and adjoining the settlements which make up the District. To permit development which would greatly exceed the numbers of dwellings identified

for each settlement would undermine the strategy of distributing development across a number of settlements.

However, the Council's position then subsequently changed, specifically in relation to its housing land supply. At an appeal Inquiry relating to a proposed residential development site at Leicester Road, Countesthorpe, the Council conceded that it could not, at that point, demonstrate a 5 year supply of housing land. In subsequently allowing the appeal, the Inspector placed significant weight on this issue, effectively considering that it outweighed all other considerations.

On the basis of the above and the change in circumstances, the applicant has re-submitted the scheme.

Although many of the issues remain the same as with the previous scheme, the following report revisits all of these considerations, in the interests of completeness and clarity. Therefore, even though the report has been updated as appropriate, significant sections will inevitably be the same.

The site is located to the south of existing built development in Countesthorpe and to the east of Willoughby Road, which is developed along its western side. Immediately to the south of the site is a playing field and to the east of the site adjoins existing allotments. Otherwise, the site is surrounded by open fields in agricultural use. The site is generally level rising towards its eastern end. It lies at a slightly lower level than the existing development to the north. There is a belt of trees running in an arc from the south west corner to the north west corner of the site which are protected by the Tree Preservation Order referred to previously. The site is generally bounded by field hedges with trees growing within the hedges.

The following statements have been submitted in support of the application:

- Design and Access Statement;
- Planning Statement;
- Transport Assessment and Travel Plan;
- Geophysics Report;
- Flood Risk Assessment;
- Services and Utilities Report;
- Archaeological Assessment;
- Ecological Assessment;
- Arboricultural Survey;
- Landscape and Visual Assessment;
- Statement of Community Involvement;
- Draft Heads of Terms for Section 106 Agreement.

Planning Considerations

Section 38 (6) of the Town and Country Planning Act, 1990, requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate

otherwise. This section of the report will first consider the proposed development against the policy background and then consider any other material considerations.

There are a number of themes which run through national guidance and have eventually found expression locally through the Development Plan. Key themes in the case of this application are that new development should be sustainable, previously development land should be developed before greenfield sites and the countryside should be protected for its own sake.

National Planning Guidance

Planning Policy Statement 1 (PPS 1): Delivering Sustainable Development

This policy statement establishes the key principles for delivering sustainable development through the development plan system and the determination of planning applications. The emphasis is that development plans allow for development of sufficient housing in sustainable locations and that new development is of good design. In itself, the general location of the development adjacent to the settlement of Countesthorpe demonstrates reasonable levels of sustainability and linkages with the existing built-up area. However, consideration also needs to be given to the cumulative impacts of recent development, specifically that approved on appeal at Leicester Road, Countesthorpe, together with the additional impact of the development subject of this application. This is discussed in more detail later in the report.

Planning Policy Statement 3 (PPS 3): Housing

Paragraph 68 of this statement states “... *Local Planning Authorities should have regard to the policies in this statement as material considerations which may supersede the policies in existing Development Plans*”. At paragraph 52 it states that the delivery of a flexible responsive supply of housing land needs to reflect the principles of “Plan, Monitor, Manage”. Housing land supply will be considered later in this report

PPS 3 also advises that good design is fundamental to the development of high quality new housing which contributes to the creation of sustainable, mixed communities. This reflects the guidance in PPS 1.

Planning Policy Statement 7 (PPS 7): Sustainable Development in Rural Areas

This statement emphasises the sustainability criteria and general approach set out in PPS 1, including the discouragement of “the development of “green field” land...”. It encourages new development to be focused in or near local service centres where there is already a range of facilities. Such centres should be identified through the LDF process. The importance of the countryside is also recognised, as is the value of local landscape. It seeks protection for these areas without, where possible, resorting to formal designation but it is recognised that a formal designation may be required in some cases. Again, these matters should be considered through the LDF process. The application site is located outside the settlement boundary and within countryside and therefore within an area that

should be protected for the benefit of all, unless other material considerations of significant weight are put forward. The residential development of this countryside site would clearly be contrary to the advice contained within PPS 7.

Planning Policy Guidance Note 13 (PPG 13): Transport

The objectives are to promote more sustainable transport choices; promote accessibility to jobs, shopping, leisure facilities and services by public transport; walking and cycling and to reduce the need for car travel.

DEVELOPMENT PLAN

East Midlands Regional Plan (March 2009)

The East Midlands Regional Plan adopts a policy of urban concentration. This is reflected in Policy 3: Distribution of New Development which advocates that new development and economic activity should be concentrated primarily in and adjoining the Principal Urban Area (PUA) of Leicester with significant levels of development in growth towns and appropriate development of a lesser scale in Sub Regional Centres. The Policy does allow for development needs of “other settlements”. In Policy 3, Countesthorpe falls under category (d) “other settlements” which states

“The development needs of other settlements and rural areas should be provided for. New development in these areas should contribute to:

- *Maintaining the distinctive character and vitality of rural communities;*
- *Shortening journeys and facilitating access to jobs and services;*
- *Strengthening rural enterprise and linkages between settlements and their hinterlands; and*
- *Respecting the quality of tranquillity, where that is recognised in planning documents.*

In assessing the suitability of sites for development priority should be given to making best use of previously developed land and vacant and under-used buildings, contributing to the achievement of a regional target of 60% of additional dwellings on previously developed land or through conversions.”

Whilst the above policy gives priority to development on Previously Developed Land (PDL), the nature of the District of Blaby is such that there are few Brownfield sites. As such, it is acknowledged that there is insufficient PDL in the District of Blaby to meet the housing requirements in the Regional Plan (see below) and that a large proportion of new development will have to take place on Greenfield land within the District. Notwithstanding the fact that the proposal site is not uppermost in the hierarchy for development in the context of the Regional Plan, Policy 3 above does allow for development needs of “other settlements” and Policy 12: Development in the Three Cities Sub-Area also states *“Outside 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 those settlements, in locations that respect environmental constraints....”*

Blaby District Local Plan (1999)

Policy C2: Other Development in the Countryside

The application site is located within an area of countryside where there is a general presumption against development unless it is essential for the needs of agriculture, etc. The policy does allow for small scale uses and a range of criteria against which any proposals for development will be measured.

Residential development is not normally considered to be an appropriate use within the Countryside.

Policy R1

Notwithstanding that Policy R1 relates to developments within the built-up area and Primarily Residential Areas, the elements of the policy that relate to design are considered to be pertinent to the consideration of this outline application for major residential development. The indicative layout submitted with the application sets out the design principles being promoted on this site.

Policy R4: Affordable Housing

Affordable housing provision would be required for this site. This is acknowledged in the submission with an agreement to provide 25% of the total number of dwellings. The tenure balance has recently been identified as 87% social rented and 13% shared ownership. This accords with the advice received from the Council's Housing Strategy & Enabling Officer.

Policy R13: Playspace for Children and Policy R14: Open Space Provision for Formal Recreation

An area of some 1.34 ha is proposed for public open space, 0.4 ha of public open space, 0.55 ha for the community green and 0.39 ha for new allotments. For informal recreation, i.e. playspace for children, 0.04 ha is required per 20 dwellings and formal recreation space of 0.4 ha per 100 dwellings is also required for larger scale developments. Therefore, 0.24 ha of informal playspace is required and a total of 0.84 ha for both formal and informal open space is required. The provision within the site exceeds this. However, the applicant suggests that the allotment site would be in lieu of formal recreation space.

Policy T4: Traffic Impact Assessments

A Transport Assessment has been submitted with the application. The County Highway Authority has raised no objection to the scheme in principle subject to conditions including the provision of alterations to the Willoughby Road/ Winchester Road/Cosby Road staggered junction.

Policy CE21: Existing Trees and Woodlands

Reference has already been made to the line of protected trees within the site. In respect of these, the applicant's arboricultural expert concludes that the trees are in such poor condition and require such extensive work that the most appropriate course of action would be to fell them. The Council has commissioned a review of these findings which concurs with the findings of the applicant's arboricultural expert.

Blaby District Local Development Framework

The weight that can be given to the Core Strategy will increase as it passes through its various stages of preparation towards adoption. At present, it is an expression of the Council's preferred strategy. Blaby District Council completed consultation on its Local Development Framework Core Strategy (Submission Version) (July 2009) on 10 September 2009. Approximately 600 representations were received.

Core Strategy (Submission Version) Policy 5: Settlement Hierarchy

This policy seeks to focus new development in the most appropriate locations through a hierarchy of settlements which will be used to determine the scale and nature of growth. The settlement hierarchy ranks settlements according to their ability to accommodate additional growth. The hierarchy is based on a number of factors including: size and range of services and facilities; access to areas of employment; education; retailing and leisure (including access to such facilities by public transport) and capacity for growth without undermining other planning objectives. Countesthorpe has been identified as a larger central village which is considered appropriate to accommodate 300 dwellings.

Since 2006, 338 dwellings have been built or committed in Countesthorpe which means that the level of provision required has been met. Since the refusal of the previous application, there has, of course, also been the approval, on appeal, of 180 dwellings at Leicester Road, to the north of Countesthorpe. This brings the total of committed and built/approved dwellings to 638, an increase above the Core Strategy figure (300) of 113%.

Other Material Considerations

As has been stated previously, planning applications must be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise. In this case, there is one area which needs to be examined, namely the provision of housing land/ residential land availability and whether the material consideration is of such weight that the adopted policies of the Development Plan should not prevail in relation to this proposal and this site.

Residential Land Availability

Members are aware of the recent letter to Chief Planners from the Secretary of State, the Rt. Hon. Eric Pickles MP on the Abolition of Regional Strategies, which states:

"I am writing to you today to highlight our commitment in the coalition agreements where we very clearly set out our intention to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Consequently, decisions on housing supply (including the provision of travellers sites) will rest with Local Planning Authorities without the framework of regional numbers and plans.

I will make a formal announcement on this matter soon. However, I expect Local Planning Authorities and the Planning Inspectorate to have regard to this letter as a material planning consideration in any decisions they are currently taking."

Notwithstanding the above letter, the Regional Plan currently remains part of the operative development plan and in that respect the relevant housing provision figures are set out below in order for Members to make a fully informed decision.

Policy 13a sets out the proposed annual housing provision for the District of Blaby between 2006 and 2026. The District is required to deliver 380 dwelling completions per annum (7,600 between 2006 and 2026). Of the 380, Policy Three Cities SRS 3 indicates that at least 250 dwellings per annum should be within or adjoining the Leicester Principal Urban Area (PUA).

The current position is that the District Council does not have a 5 year supply of deliverable housing sites for the District as a whole, with a supply of 2.3 – 2.8 years. Given the PUA/non-PUA division in the Regional Plan, it is appropriate to look at the supply also on this disaggregated basis. At present the PUA part of the District has 0.6 – 0.7 years supply. With respect to the non-PUA part of the District, there is a supply of 5.7 – 6.8 years. The outcomes in terms of length of supply depend on the methodology used. Notwithstanding this, there is a 5 year supply of deliverable housing sites in the non-PUA part of the District where Countesthorpe is located.

PPS 3 indicates that, where a Local Planning Authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, planning applications should be considered favourably, having regard to other policies and considerations in PPS 3. This permission should NOT apply in this case as Countesthorpe is in the non-PUA part of the District which has more than a 5 year supply of deliverable housing sites.

Conclusion

There are two key issues in the determination of this planning application; the current policy position and any other material considerations, principally relating to housing land availability.

The policy position is that the site lies within an area defined as Countryside in the Blaby District Local Plan, where there is a general presumption against development except in a few cases. Residential development is not one of the exceptions set out in the Plan. The policy of the Local Plan conforms with Central Government Guidance, as set out in PPS 7: “Sustainable Development in Rural Areas”, which seeks to protect the countryside for its own sake.

Having established the policy position, the proposal needs to be assessed against any other “material considerations”. In this case, with an application for residential development, the other material consideration is whether the Council currently has a 5 year housing land supply.

In this regard, it should be noted that, despite the Coalition Government’s intended abolition of Regional Plans (and the housing requirements contained within them), Government Guidance contained in the recently re-issued PPS 3 still requires Councils to have a minimum of 5 years housing land supply.

In terms of housing land supply, the applicant appears to rely heavily on the fact that the District Council has a shortfall in its 5 year housing provision across the whole district and therefore that there is a need to provide additional residential development. Whilst the lack of a 5 year supply across the District as a whole is not disputed, it is also apparent that the disaggregation of the housing supply figures between the PUA and non-PUA supply is an acceptable approach to take in the distribution of housing land and, indeed, has been accepted as reasonable by appeal inspectors.

Notwithstanding this, even when taking into account such disaggregation, the District Council did concede at the recent Leicester Road, Countesthorpe appeal inquiry in April that it could not, at that time, demonstrate a greater than 5 year supply, either district-wide or solely within the non-PUA.

However, given recently approved residential developments in the non PUA, the position now is that the Council considers that it can demonstrate a 5 year supply in the non-PUA; a position it also feels it can robustly defend.

Even if that were not the case, the Council also considers that to permit additional dwellings over and above the number identified for each settlement in the Core Strategy would undermine the Council’s vision for development of the District and, cumulatively, likely to put unacceptable pressure on the village’s services and infrastructure. Policy 5 of the Core Strategy, “Settlement Hierarchy”, identifies Countesthorpe as a Larger Central Village. The settlement hierarchy ranks settlements according to their ability to accommodate additional growth. This ability is based on a number of factors including size and range of services and facilities, access to areas of employment, education, retailing and leisure (including access to such facilities by public transport) and capacity for growth. In Countesthorpe, two recent planning applications have been approved which provide 260 dwellings and there were existing permissions for 78. This initial total of 338 dwellings was 13% in excess of the requirement identified in the Core Strategy. Even so, Government policy encourages a degree of flexibility in the number of dwellings to be provided, and a flexibility of 13% was considered to be acceptable. However, adding in the

Leicester Road appeal site of up to 180 dwellings, this makes a provision within Countesthorpe of 518 dwellings, which is 73% in excess of the requirement identified in the Core Strategy. If the current application were to be approved, this would result in exceeding the identified figure by an excessive 113%.

Whilst the weight that can be afforded the Core Strategy is limited because of the stage it is at in the LDF process, it is, at present, the only clear expression of the Council's policy for development of the District.

On the basis that there is now in excess of a 5 year housing land supply within the non-PUA of the District, housing land supply is not considered to be a material consideration. In the light of the conclusions above, it is recommended that planning permission be refused for the reasons set out at the beginning of this report.

10/0352/1/PX	Registered date 1 June 2010	Malthurst Fuels Ltd Expansion of site area of petrol filling station to include extension to shop premises and re-modelling of petrol station forecourt and installation of underground diesel tank and erection of a 1.8 metre high perimeter fence – BP Desford Cross Roads Service Station, Hinckley Road, Desford (Kirby Muxloe Parish)
	Expiry date 27 July 2010	

The consultation date expires on the 12 July 2010 and it is therefore recommended that the application be determined in accordance with the procedures adopted in the Development Control Committee Scheme of Delegation.

**RECOMMENDATION
REFUSE FOR THE FOLLOWING REASONS:**

1. The proposed development would extend the built up area of the petrol filling station further into an area designated as Countryside in the Blaby District Local Plan (1999). This would erode the visual and physical break between this site and residential properties in Leicester Lane in an area which is characterised by pockets of sporadic and unconsolidated groups of development. As such, it would have an adverse effect on the appearance and character of the landscape exacerbated by the scale, massing and location of the car washing facilities, contrary to Policy C2 and Policy C6 of the Blaby District Local Plan (1999).
2. The District Planning Authority considers that the noise and disturbance associated with the use of the proposed car washing facilities, including the jet wash bays, and associated access road would have a significantly detrimental impact on the amenities of the neighbouring residential properties, particularly during the evenings, night time and weekend periods. The proposal would thus be contrary to Policy C2 (iii) and Policy C6 (iii) of the Blaby District Local Plan (1999) and PPG 24: Planning and Noise.

NOTES TO COMMITTEE

Policy

National Planning Guidance

Planning Policy Guidance Note 24 – Planning and Noise

Blaby District Local Plan (BDLP) (1999)

Policy C2 – Other Development in the Countryside
Policy C6 – Extension of Existing Buildings in the Countryside, Green Wedges and Areas of Separation.

Policy CE22 Landscaping

Consultations

Kirby Muxloe Parish Council – Has no observations to make on this application.

Leicester Forest East Parish Council – Comments awaited.

Leicester Forest West Parish Council – Comments awaited.

Thurlaston Parish Council – Does not object.

Hinckley and Bosworth Borough Council – Have no objections to the proposal.

County Highways – The proposal should not generate a significant increase in traffic and the car wash units would be ancillary to the petrol station.

Environmental Protection Manager – Concerns raised about the potential noise impact of the car wash and jet wash booths.

Leicestershire Fire and Rescue – Comments awaited.

Environment Agency – No objection.

Severn Trent Water Ltd – No objections subject to the imposition of standard conditions relating to surface water and foul sewage disposal and no building over the adjacent public sewer.

Health and Safety Executive – Application not within consultation criteria.

Trading Standards – Comments awaited.

Representations

2 letters of representation have been received from local residents objecting to the proposal (**See letter E attached**).

Relevant History

90/1144/1/PX	Proposed car wash with dryer	Approved 25-10-90
04/0456/1/PX	Installation of automatic vehicle brush wash with glazed screens and plant room	Refused 23-8-04

EXPLANATORY NOTE

The Proposal

The application proposes several alterations to the layout of the existing facilities with additional facilities proposed including:

An automatic car wash with the dimensions of 4.5 metres by 9.6 metres, and associated plant room with the dimensions of 3.6 metres by 6.4 metres both with an overall height of 3.7 metres. The unit would be orientated parallel to Leicester Lane with the proposed access road running to the rear of the shop with its entrance in the location of the existing diesel storage tank. In addition two jet wash bays, 5 metres wide by 5.4 metres deep, divided by 1.8 metre high UPVc panels would be situated to the highway side of the automatic car wash.

An extension to the rear of the existing shop which would run the full width of the existing building to the same height and extend backwards by 3.4 metres and 2.4 metres to give a squared off rear elevation and an additional 40.8 square metres of floor space.

The relocation of the existing diesel storage tank to under the forecourt area adjacent to the wide grass area to the east part of the site with two new associated HGV pumps. The rear boundary of the extended site would be enclosed by 1.8 metre high close boarded fencing.

Planning Considerations

The main planning considerations in the context of this proposal is the impact of the development on the amenities of the occupiers of the adjacent dwellings, the visual impact on the character and appearance of the area, which is designated as countryside in the Blaby District Local Plan and the impact on the local highway network.

Impact on Character and Appearance of the Area

The application site is within Countryside as designated in the Blaby District Local Plan which contains policies to protect the character and appearance of the area as well as residential amenity to neighbouring properties.

The application site is an established use on a very prominent corner to the junction of the A47 and B582, both of which are heavily trafficked. The site has open frontages to both roads with three access points and large areas of hardstanding and mown grass. These aspects combine to create a facility with an open and spacious appearance.

The proposed works roughly break down into three main types, the extension to the existing shop; the car washing facilities; and various smaller additions / alterations to the forecourt.

The proposed extension would increase the building by approximately a third, however, the design and location of the extension would be in keeping with the existing building and although it would double the retail area of the shop would not in itself have a significant impact on the area.

The proposed car washing facilities, however, propose an enclosed automatic car wash and plant room to the same height as the existing building with a floor area of 66 square metres with two jet wash bays to the side, covering another 50 square metres. Even though the jet wash bays would not be enclosed as such, the provision of a 1.8 metre high divider in UPVc panels between them would be a significant level of demarcation.

Notwithstanding that the proposed car wash facilities would stand on the existing forecourt area, the massing of the facility has been positioned away from the existing built mass of the site extending the built form and active use of the facilities to the boundary of the site which increases the visual mass of development of the site as a whole which erodes the character of sporadic and unconsolidated development in the locality. It is not considered that the removal of the existing diesel tank to the back corner of the site would outweigh the visual harm caused by the washing facilities.

The other proposed changes to the petrol station, including the general reorganisation of tanks and associated vent pipes and the provision of two HGV pumps and new bin store are all fairly minor in themselves. However these, together with the extension and the new car washing facilities would have a significant cumulative impact on the site and therefore the character and appearance of the area.

Residential Amenity

The physical scale and massing of the proposed car wash and shop extension should not have an overbearing impact on the neighbouring properties as there would be a separation of approximately 23 metres between the proposals and the closest residential property.

However, the automatic car wash would be orientated so that the noise from inside the covered area would be directed towards the adjacent residential properties, in addition the machinery for the jet car washes would be likely to have an impact on the general noise levels of the site. Furthermore, the creation of a new roadway to access the car wash would bring vehicular movements closer to the nearest residential properties. Your Officers consider that the use of the roadway and operation of the car wash facilities, especially during the evenings and weekends, would cause a significantly detrimental noise impact affecting nearby residents. This concern would be exacerbated if the car wash and both jet wash were in operation at the same time.

Highways Issues

Leicestershire County Council, as Highways Authority, was consulted on this application. The Highways Authority have concluded that the proposal should not generate any significant increase in traffic to and from the site as the car washing facilities would be ancillary to the existing use.

Conclusion

For the reasons outlined above it is considered that the proposed redevelopment of the petrol station to the degree proposed would have a detrimental impact on the character and appearance of the area and the amenities of the occupiers of the neighbouring dwellings. Consequently the application is recommended for refusal.

10/0387/1/PX	Registered date 7 June 2010	Newbuild Homes Erection of 9 dwellings and associated vehicular access –
	Expiry date 2 August 2010	Land rear of 41-43 Winchester Road, Countesthorpe

RECOMMENDATION
REFUSE FOR THE FOLLOWING REASONS:

1. The District Planning Authority considers that the proposed erection of nine dwellings on a site of this size would represent a cramped over-development of the site with a density of development that would be significantly out of keeping with surrounding area, to the detriment of the character and appearance of the locality. This impact would be exacerbated by the overall scale, mass and height of the proposed dwellings. As such, the proposal is contrary to Policy R1(iii), (iv) and (v) of the Blaby District Local Plan (1999).
2. The proposed dwelling on Plot 5 is in close proximity to an Ash tree covered by Blaby District Council (Land to the rear of 37 to 43, Winchester Road, Countesthorpe) Tree Preservation Order, 2007, which is likely to adversely affect the amenities of any future occupiers. As such, the proposal is contrary to Policy R1(ii) of the Blaby District Local Plan (1999).
3. Furthermore, the close proximity of the proposed dwelling on Plot 5 to the Ash tree covered by Blaby District Council (Land to the rear of 37 to 43, Winchester Road, Countesthorpe) Tree Preservation Order, 2007 is likely to result in pressure from future occupiers to seek the removal of this tree. As such, the proposal is also contrary to Policy CE21 of the Blaby District Local Plan (1999).

NOTES TO COMMITTEE

Policy

Local Plan

Policy R1 – Primarily Residential Areas.
Policy T6 – Off Street Parking Provision.
Policy CE21 – Existing Trees and Woodlands.

Consultations

Countesthorpe Parish Council – Make the following observations: *Over-development of the site; no visitor parking available; concerns for access of emergency vehicles; and, still concerned about egress of more vehicles onto Winchester Road.*

County Highways – Comments awaited.

County Forestry – Comments awaited.

County Ecology – Maps show that this application will have no impact on any designated sites of ecological importance. (**See letter F attached**).

Severn Trent Water – Comments awaited.

Representations

3 letters have been received objecting to/commenting on the proposal. (**See letter F attached**).

Relevant History

07/0495/1/OX	Erection of 10 dwellings and associated Vehicular access (Outline)	Refused 13.11.07
07/1071/1/OXCS	Erection of 10 two storey dwellings and associated vehicular access (Outline)	Approved 06.03.08

EXPLANATORY NOTE

The Proposal

The application site area is approximately 0.27 Ha. It currently comprises the former rear gardens of Numbers 41 and 43 Winchester Road.

One pair of semi-detached dwellings, one pair of link-detached dwellings and five detached dwellings are proposed. Plots 1 and 2 (semis) and Plots 3 and 4 (link-detached) have individual footprints of approximately 41 sq. metres (excluding the garage link) and comprise three bedrooms including habitable accommodation within the roofspace served by rooflights; Plots 5 to 8 (detached) incorporate integral garages and have individual footprints of approximately 89 sq. metres; and Plot 9 (detached) has an overall footprint of approximately 43 sq. metres (excluding the garage) and comprises three bedrooms including habitable accommodation within the roofspace. Ridge level heights vary from some 8.7 to 9.5 metres. Maximum rear garden depths range from some 9 metres (Plots 1 and 8) to 12.2 metres (Plot 9).

Vehicular access is proposed from Winchester Road in the form of a cul de sac.

Planning Considerations

The site is within a Primarily Residential Area (Policy R1), wherein residential development is acceptable in principle subject to compliance with the specified criteria. Outline planning permission 07/1071/1/OXCS has previously been granted on a larger site (0.41 ha) for the erection of 10 dwellings to the rear of Numbers 37-43 Winchester Road, which remains extant.

The site is surrounded by existing residential development with a lower density than that proposed and more established dwellings fronting Winchester Road. The proposed location of the access road between Numbers 41 and 43 Winchester Road utilises a gap within the existing street scene as per 07/1071/1/OXCS. Countesthorpe Community College and Leysland High School are on the opposite side of the road to the west whilst the modern development of The Dales lies to the rear.

Notwithstanding the above, it is considered that the proposed erection of nine dwellings would represent a cramped over-development of the site with a high density that would be significantly out of keeping with surrounding development, to the detriment of the character and appearance of the locality. This impact would be exacerbated by the overall scale, mass and height of the proposed dwellings.

An Ash tree to the rear of No. 43 Winchester Road is covered by Blaby District Council (Land to the rear of 37 to 43 Winchester Road, Countesthorpe) Tree Preservation Order, 2007 and it is to be retained. The nearest dwelling on Plot 5 is shown to be located outside the notional root protection area of this tree. However, there is concern regarding its close proximity to the rear elevation of this proposed dwelling and the implications it is likely to have upon the amenities of any future occupiers. This may also lead to future pressure to seek the removal of this tree. It is noted that the corresponding rear garden depth of this plot is shorter and narrower than that of 07/1071/1/OXCS. The comments of the County Forestry Officer are awaited in this respect.

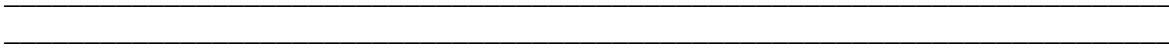
It is considered that there would be sufficient distance between dwellings, both within and outside the site, to prevent any significant overbearing impact or overlooking. Several of the new dwellings would face the long rear gardens of adjoining properties fronting Winchester Road, whilst those at the rear would face the rear garden boundaries of properties fronting The Dales to the east. The 'back to back' distance between the proposed and the main rear elevations of existing dwellings exceeds 21 metres, which is regarded as being acceptable in built-up areas. Therefore, it would be difficult to sustain an objection on grounds that any resultant mutual overlooking between any of these dwellings would be seriously detrimental to the privacy of their occupants.

Any noise and disturbance arising from the use of the new access road would be no worse compared to the scheme approved under 07/1071/1/OXCS. The flank elevations of Numbers 41 and 43 Winchester Road, which would adjoin the proposed access road, do not comprise any principal habitable room windows facing the application site.

The site is in very close proximity to Countesthorpe Community College and Leysland High School, which generate significant numbers of pedestrians, car activity and school bus borne traffic onto Winchester Road and the surrounding highway network. Whilst comments from County Highways are awaited, the current proposal would result in a less intensive use of the vehicular access into the site compared to the extant scheme. Therefore, the safety of highway users should not be compromised. Levels of on-site parking provision are shown to include two car parking spaces per 3 bedroom dwelling (for Plots 1 to 4 and 9) and three on-site

parking spaces per 4 bedroom dwelling (for Plots 5 to 8) to satisfy the Council's adopted Off-Street Parking Standards

On the basis of the scale of development proposed on this reduced site, it is considered that the scheme is not acceptable and is thus recommended for refusal.



This page is intentionally left blank

BLABY DISTRICT COUNCIL

Meeting:	Development Control Committee
Date:	8 July 2010
Subject:	Section 106 Agreement – Land off Huncote Road, Stoney Stanton
Report of:	Development & Conservation Manager
Status:	Public

1. Purpose of the Report

- 1.1 The purpose of this report is to advise Members of a Section 106 agreement which has been signed in respect of the proposed development of 105 dwellings on land off Huncote Road, Stoney Stanton. The application was refused planning permission by the District Council but is now the subject of a planning appeal.

2. <u>Recommendation</u>

- | |
|--|
| 2.1 Members accept that this agreement has been signed. |
|--|

3. Matters for Consideration

- 3.1 Members may recall that in February this year, outline planning permission was refused for “Proposed residential development (maximum 105 dwellings), associated landscaping and infrastructure with access from Huncote Road – Huncote Road, Stoney Stanton”. The applicants have appealed against this decision which is to be determined by way of written representations.

- 3.2 The application had been the subject of a number of requests for contributions under Section 106 of the Town and Country Planning Act including:

- Affordable housing;
- On site open space maintenance contribution;
- Payment towards public transport;
- Education;
- Health care;
- Libraries; and
- The Police.

3.3 As part of the appeals procedure, the appellants have to either submit a Section 106 agreement or explain to the Planning Inspector why the payments are inappropriate. The usual way of proceeding with this is by way of a unilateral undertaking. In this case, however, the appellant has sought to proceed by way of signed agreements, with both this Council and separately with the Leicestershire County Council. The appeals procedure rules set time tables for the signing of such agreements which, in this case, required the Legal Services Manager to sign the agreement without specific authority from this Committee.

3.4 It is most unusual for an appellant to go down this particular route and it is therefore a unique set of circumstances.

4. Other Relevant Considerations

4.1 Human Rights Act 1998

Human rights have been considered but there are no overarching matters for concern in relation to this report.

4.2 Legal Implications

There are no legal implications.

4.3 Human Resource Implications

There are no human resource implications.

4.4 Risk Assessment and Business Continuity

No business continuity or resilience issues.

4.5 Equalities

No EINA is required for this report.

5. Other Options Considered

5.1 That the agreement not be signed and the appellant proceed by way of a unilateral undertaking.

6. Appropriate Consultation

6.1 None.

7. Financial and Efficiency Implications

7.1 The recommendation can be implemented within existing resources.

8. Appendix

8.1 None.

9. List of Background Papers

9.1 Planning application file reference 09/0092/1/OX.

This page is intentionally left blank