

Reference: 14/01166/OUT

Applicant: Davidsons Homes

Location: Ashfield Farm Kirkby Road Desford

Proposal: Residential development for up to 120 dwellings, access, open space and associated works (outline - access only)

RECOMMENDATION:- Refuse planning permission.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is an application that has attracted significant community interest and the Chief Planning & Development Officer considers it necessary to be determined by the Planning Committee.

Application Proposal

Outline planning permission is sought for residential development of up to 120 dwellings with associated access and open space. All other matters are reserved.

40% affordable housing is proposed which, based on 120 dwellings, would provide 48 affordable units.

Vehicular access is proposed from Kirkby Road via the formation of a new junction.

The Site and Surrounding Area

The use of the site is currently agricultural land and comprises of four fields. It is bordered by the rear of dwellings along Cambridge Drive Road to the north, Kirkby Road with the play area beyond to the east, mature trees to the south, beyond which lies open countryside and to the north the new Bellway Housing development site, "The Paddocks". The site is approximately 5.4 hectares in size. It lies adjacent to, but beyond existing residential development to the north of Cambridge Drive.

The centre of Desford is located approximately 800 metres from the site to the east.

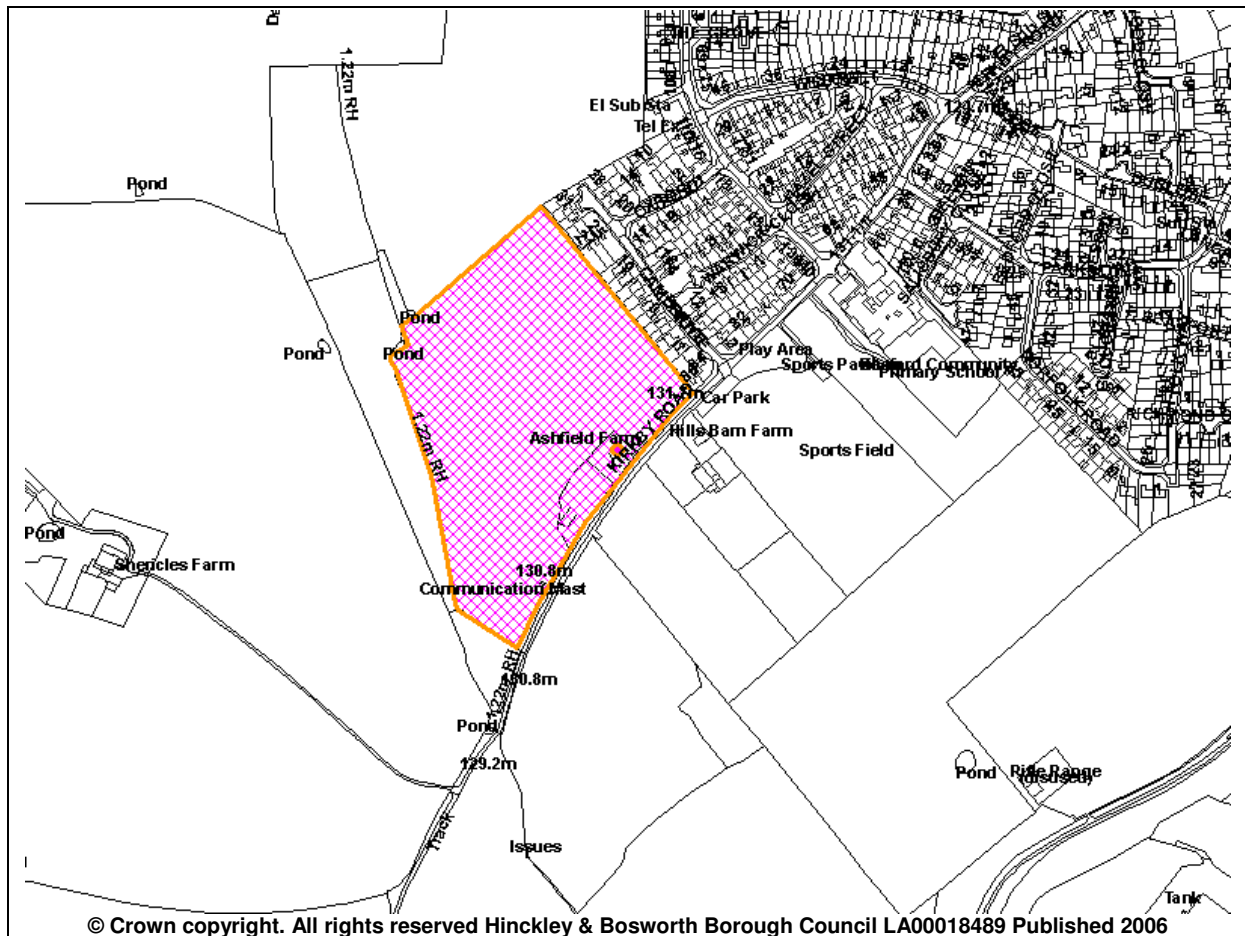
The site falls outside of the settlement boundary of Desford as defined by the Hinckley & Bosworth Local Plan proposals map 2001.

Technical Documents submitted with the application

Design and Access Statement
Planning Statement
Ecology Report
Flood Risk Assessment
Planning Statement
Archaeology Survey
Heritage Statement
Transport Statement
Arboricultural Assessment
Noise Report
Landscape Appraisal
Statement of Community Involvement

Relevant Planning History:-

None relevant.



Consultations:-

No objection subject to conditions has been received from:-

Leicestershire County Council (Flood Risk)
Leicestershire County Council (Highways)
Leicestershire County Council (Ecology)
Leicestershire County Council (Archaeology)
Environmental Health (Pollution)
Environmental Health (Land Drainage)
Head of Business Development and Street Scene Service (Waste Minimisation)
Arboricultural Officer
Environment Agency
Severn Trent Water Limited

Desford Parish Council has raised the following objections:-

- a) conflicts with Policy NE5 – unjustified intrusion into the countryside
- b) even after the Bellway development is constructed there will remain a sharp change in character and a clear visual break along Kirkby Road to the west of Cambridge Drive. From that point, Kirkby Road serves only a few dwellings and the recreation ground (opposite the proposal) which itself is of an open and green character and clearly defines the end of the village

- c) there is no justification for the development in terms of 5 year housing supply. Desford is required to provide 110 dwellings. Without Bellway, 135 have been approved and with the second phase of Bellway, 196 deliverable units will have been approved
- d) the number of dwellings already permitted is placing pressure on primary school and medical facilities and exacerbating the difficult traffic issues which impact upon the Main Street/High Street/Manor Road junction and along the length of High Street/Kirkby Road.
- e) Desford has relatively few shops and commercial amenities and more housing will increase vehicle usage for trips to other centres which conflicts with sustainability policies
- f) the use of the High Street/Kirkby Road corridor by all classes of traffic is already detrimental to residential amenity and is causing various rat runs through narrow streets to the north and south of the corridor
- g) deliveries to the store at the High Street/Peckleton Lane junction, traffic to the Caterpillar site and the intense use of Kirkby Road at school opening times already cause significant congestion and other problems
- h) no further development should be permitted which access directly to Kirkby Lane even if the planning authority believes it will be under pressure for national policy reasons to overdevelop Desford in an unplanned process
- i) Desford is preparing a Neighbourhood Plan, so that if more housing is required in Desford, it can be provided in the least damaging location and the issues arising from integrating the 196 dwellings already approved plus any further allocations can be planned for, particularly the pressures on High Street, Main Street and Kirkby Road. This proposal should be considered as part of this process.

Site notices and a press notice were displayed. In addition neighbours immediately adjoining the site were consulted. 253 letters of objection have been received raising the following issues:-

- a) site very close to primary school, increase in traffic would be a risk to children
- b) village has already had sufficient housing above its allocation
- c) infrastructure such as the primary school, doctors and dentist already at capacity
- d) traffic through the village is already heavy and causes congestions
- e) any need for housing is for affordable and bungalows not large family homes.
- f) loss of agricultural land and countryside
- g) the development would impact on the quiet rural public footpath from Kirkby Road to Kirkby Mallory
- h) the proposal would be a risk to children playing at the recreation ground
- i) the development provided by Bellway is sufficient housing
- j) the traffic survey outside the primary school was taken at 08:30 in the morning before parents started dropping children off at school
- k) traffic is congested and the junction is at capacity outside of the Coop store
- l) no jobs in the village so people have to commute which causes congestion
- m) the Site Allocations and Development Management Policies DPD does not allocate any more housing to Desford
- n) the development is unsustainable
- o) a mini-roundabout on the junction of Peckleton Lane and Kirkby Road would not reduce congestion as the junction is already at capacity and there is the space to improve the junction
- p) there would be an impact upon wildlife and in particular Great Crested Newts
- q) poor bus services and low frequency of buses make public transport difficult resulting in people using their cars
- r) the distance from the site to the centre of the village is 800 metres and people will not walk they will drive.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) 2012
The National Planning Practice Guidance (NPPG) 2014
The Community Infrastructure Levy (CIL) Regulations 2010

Hinckley & Bosworth Core Strategy 2009

Policy 8: Development in Desford
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision
Policy 24: Sustainable Design and Technology

Hinckley & Bosworth Local Plan 2001

Policy RES5: Residential Proposals on Unallocated Sites
Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy NE5: Development within the Countryside
Policy NE2: Pollution
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy BE1: Design and Siting of Development
Policy BE16: Archaeological Investigation and Recording
Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

New Residential Development (SPG)
Play and Open Space (SPD)
Affordable Housing (SPD)

Other Material Policy Guidance

Site Allocations and Development Management Policies Development Plan Document
(Pre- Submission) - Feb 2014

Appraisal:-

The main considerations in the determination of this application are:-

- Principle of development
- Impact on the character and appearance of the area
- Siting, design and layout
- Affordable housing
- Impact on neighbouring residential properties
- Highway considerations
- Flood risk and drainage
- Archaeology

- Ecology & trees
- Infrastructure obligations

Principle of Development

Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001).

Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means:

- Approving development proposals which accord with the development plan without delay, and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or
 - specific policies in the NPPF indicate development should be restricted.

Core Strategy

Policy 8 of the Core Strategy states that in Desford land will be allocated for the development of a minimum of 110 dwellings. As of 1 April 2015, the residual requirement has been exceeded by 67 dwellings. However, it is important to note that this policy is expressed as a minimum to allow the delivery of further housing to meet shortfalls in housing supply.

Emerging Site Allocations and Development Management Policies Development Plan Document (DPD)

The emerging DPD was published in draft form in January 2014. The consultation period ended in March 2014. Responses were received and a modification consultation document was published in December 2014. The DPD was submitted to the Secretary of State for examination in public at the end of March 2015 with an examination scheduled for September 2015.

Given that this document is emerging and has not been through examination in public the weight that can be afforded to it is limited at this stage. This document sets out the allocation of sites across the borough to support the large scale delivery of housing planned for Barwell and Earl Shilton Sustainable Urban Extensions.

The residual housing requirement within Desford has been met and therefore within the Emerging Site Allocations and Development Management Policies DPD no further sites have been allocated for residential development.

Housing Land Supply

Paragraph 47 of the NPPF states that local authorities should identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. They should also provide an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, authorities should increase

the buffer to 20% (moved forward from later in the Plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

As of 1 April 2015 the council has a five year supply of housing sites of 5.69 years, based on the 'Sedgefield' method of calculation. The housing supply policies contained within the Core Strategy are therefore considered to be up-to-date.

Local Plan

The site lies outside of the current settlement boundary of Desford, as defined on the proposals map of the adopted 2001 Local Plan and is therefore within an area designated as countryside. Saved Local Plan Policies NE5 and RES5 therefore apply.

Both Saved Policies NE5 and RES5 of the adopted Local Plan seek to protect the countryside from unwarranted forms of unsustainable development and state that planning permission will only be granted for development subject to certain criteria. The criteria do not include residential development. Policies RES5 and NE5 seek to guide development to appropriate; sustainable locations, and ordinarily, residential development would normally be restricted outside of settlement boundaries in the countryside.

The Planning Balance

There are three core strands underpinning the presumption in favour of sustainable development as set out within the NPPF which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. Paragraph 8 of the NPPF sets out that these roles should not be undertaken in isolation because they are mutually dependent. Therefore these roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable. The NPPF clearly defines the three dimensions of sustainable development as follows:-

Economic - It is considered that there would be a limited benefit to the local economy through the creation of jobs for the construction of the development itself, as well as securing financial contributions for the provision and future maintenance of local infrastructure.

Social - The scheme provides for a mix of both market and affordable housing, which is appraised below, appealing to a wider spectrum within the local market and appealing to groups who may have otherwise been excluded from the locality. Overall, new housing would contribute towards providing a social benefit. However, in this settlement there is no identified need for further housing need as the residual housing requirement has been met and exceeded and the council can demonstrate a deliverable five year supply of housing sites. The harm by significantly exceeding the residual requirement would skew and impact on the spatial distribution of growth across the borough as a whole by weakening the direction of new housing to where it would bring about wider benefits in terms of regeneration and has the infrastructure in place to accommodate its impact. The two large scale developments that are planned to deliver the housing growth are the Barwell (2500 dwellings) and Earl Shilton (1500 dwellings) Sustainable Urban Extensions supported by an additional scheme at Hinckley West (850 dwellings).

Environmental - The dwellings proposed would be built on greenfield Grade 2 agricultural land which is considered to be of a good quality for crop production. The introduction of dwellings on agricultural land would result in a degree of landscape harm. The location of the site on the edge of the existing settlement would extend beyond and outside of the context of the existing built form within the village to the east and open countryside to the south.

Based on the above the scheme is not considered to comprise a sustainable form of development as required by the NPPF.

Summary

In summary, in accordance with Saved Policies NE5 and RES5, residential development is not supported outside the settlement boundary. The council can demonstrate a deliverable supply of housing sites as required by the NPPF.

This application for 120 dwellings would significantly exceed the residual housing requirement for Desford which has already been exceeded by 67 dwellings which would be unsustainable. Therefore on balance, the development is considered to be unacceptable in principle.

Impact on the Character and Appearance of the Area

As discussed above the site in policy terms lies outside of the defined settlement boundary for Desford and is therefore within an area designated as countryside. Paragraph 17 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 109 states that the planning system should protect and enhance valued landscapes.

The design criteria i-iv within Saved Policy NE5 of the Local Plan remain generally relevant to development within the countryside. The policy states that development will only be permitted where the following criteria are met:-

- a) it does not have an adverse effect on the appearance or character of the landscape
- b) it is in keeping with the scale and character of existing buildings and the general surroundings
- c) where necessary it is effectively screened by landscaping or other methods
- d) the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

The site is bound by the Kirkby Road to the east, open countryside to the south and modern housing within the Bellway Paddocks residential development and post war housing to the north within Cambridge Drive. The proposal would involve building on a greenfield site on land beyond the settlement boundary.

The proposal would result in a degree of conflict with criterion (i) of Saved Policy NE5 of the Local Plan in so far as the development would have an adverse effect on the appearance and character of the landscape in this location by introducing built residential development into an area of current open countryside. Therefore when considering the environmental dimension to sustainability as set out in the NPPF the proposal would result in a degree of harm to the landscape setting of Desford by eroding the amount of open countryside to the south-west of the village.

The proposal is considered to conflict with Policy NE5 of the Local Plan due to its impact on the rural character and setting of the village.

Siting, Design and Layout

Saved Policy BE1 (criterion a) of the Local Plan seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development complements or enhances the character of the

surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Furthermore, one of the core planning principles of the NPPF is to secure a high quality of design in development.

The detailed design, siting, appearance and layout of the scheme are reserved matters and therefore not being considered at this stage. However from the indicative masterplan submitted a well designed development laid out to minimise impact on the character of the surrounding area and existing pattern of residential development to the north east could be achieved.

The layout proposed could result in a high quality form of development that would accord with Policy BE1 (criterion a) of the Local Plan and the NPPF.

Affordable Housing

As the scheme is within a rural area, Policy 15 of the adopted Core Strategy indicates that 40% of the dwellings should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. For this site based on the 120 dwellings, the provision would be for 48 affordable units; 36 units for social rent and 12 for intermediate tenure.

In accordance with the Affordable Housing SPD the affordable housing would be required to be spread across the site in clusters to ensure a balanced and appropriate mix of market and affordable housing.

Impact on Neighbouring Residential Amenity

Saved Policy BE1 (criterion i) of the Local Plan states that development proposals should not detrimentally impact upon residential amenity.

The nearest residential dwellings adjoining the site are located to the north east along Cambridge Drive. The rear gardens of those properties would back directly onto the site. The detailed design and layout of dwellings would be need to be considered carefully to ensure the dwellings proposed would not directly overlook or impact upon the amenity of neighbouring dwellings.

There are no other dwellings that would be affected directly from an amenity perspective by the proposal. The development is considered to be in accordance with Saved Policy BE1 (criterion i) of the Local Plan as it would not have a significant detrimental impact upon residential amenity.

Highway Considerations

Saved Policy T5 seeks to ensure that development proposals do not impact upon highway safety, the satisfactory functioning of the local highway network and provide sufficient levels of parking.

The applicant has submitted a Transport Assessment (TA) with traffic modelling carried out on junctions close to the site. In depth discussions have taken place with the applicant to revise the TA to respond to concerns originally raised by Leicestershire County Council as Highway Authority. This TA provided design proposals, road safety audits and tracking information for the highway proposals.

The comments and concerns from the local community have been considered very carefully in respect of the traffic/congestion and issues with volumes of traffic moving through Desford at peak times. The additional concerns in respect of the parking situation outside the primary school on Kirkby Road is a particular issue for residents and one which is a problem for many villages that do not have on-site car parking for parents dropping off and collecting school children.

Access to the site is proposed via a new T-junction with Kirkby Road. No objection has been raised by the Highway Authority to the proposed access subject to change in the priority of the road in favour of the development subject to minor changes to the submitted plan to show the tracking of a farm tractor and trailer to ensure there is no overhang onto the proposed new footway.

To address concerns about the impact of the proposals on road junctions within Desford an extensive assessment of the various road junctions has been carried out by the applicant that have been reviewed and considered by the Highway Authority:

Kirkby Road/Peckleton Lane

This is an existing priority junction. The TA predicts that development traffic takes the right turn from Peckleton Lane to Kirkby Road over capacity. A mini-roundabout is proposed to mitigate the impact of the development traffic. Subject to minor modifications of the improvements to this junction to facilitate a pedestrian crossing the Highway Authority has raised no objection to this junction improvement.

B582 High St/Manor Road/Main Street

This is an existing mini-roundabout. This junction already operates over capacity and experiences congestion and queuing at peak times. The development traffic would create a significant worsening of queuing on the Manor Road/Main Street arms of the junction, and a compact roundabout is proposed to mitigate the impact of the development traffic and also offers improved performance on the 2019 “no development” scenario. The Highway Authority has raised no objection to this junction improvement subject to a minor change to facilitate HGV vehicle tracking.

Station Road/Barns Way

This is an existing priority junction. The TA predicts that development traffic would make a left turn from Station Road (west) to Station Road (north). This junction is well over capacity and the TA predicts queuing will increase from 6 to 14 vehicles. A mini-roundabout is proposed to mitigate the impact of the development traffic. The Highway Authority has raised no objection to this junction improvement.

Leicester Lane /Station Road /High Street

The capacity of this junction has been assessed to indicate that the junction operates slightly over capacity during the PM peak in the 2019 scenario both with and without the proposed development. The heavier flows on the B582 constrain the Station Road arm of the junction and the right turn movement from Station Road (north) to Station Road (west) experiences the highest queue length values. The addition of the proposed development traffic results in a minor increase in queue length of about 2 vehicles. The Highway Authority does not consider this to be a severe impact. It is also considered that in congested periods a certain amount of traffic would use the existing Barns Way/Leicester Lane mini-roundabout which operates within capacity in the projected 2019 scenario.

Parking for the primary school and playing fields

Proposals to improve the existing parking provision for Desford Primary School and the adjacent sports pitches have been suggested in the TA. The Highway Authority supports these proposals in principle and considers them to be necessary to mitigate against the significant increase in traffic adjacent to the school resulting from the development (98 vehicles in the AM peak). Such proposals would need to be explored further but could be controlled by way of condition.

Transport sustainability

The nearest bus stops are currently on Manor Road (near Manor Gardens junction), which are approximately 900 metres away from the centre of the site. Some dwellings therefore would be beyond the recommended 800 metres walking distance for a rural site. The TA proposes a footway to connect to the Bellway Homes development adjacent to the site. Once this footway is completed the bus stops on Manor Road/Hunts Lane (near the new Newbold Road roundabout), would be the nearest bus stops at approximately 700 metres away from the centre of the site. These stops are served by a bus service which has a 30 minute daytime frequency Monday - Saturday. However the Highway Authority has recommend the current closest bus stops on Manor Road (near Manor Gardens junction) are improved with raised access kerbs and Real Time Information, as these will be the closest bus stops prior to the completion of the proposed footway.

Summary

In summary, Leicestershire County Council (Highways) has no objection subject to conditions. Nevertheless, this is a finely balanced issue and the concerns raised locally by residents in respect of the significant traffic issues within the village at present; particularly around key junctions is an important one which is recognised in the TA. There would be an impact upon traffic and queuing at peak times at main junctions however on balance with the mitigation proposed the scheme is considered to be in accordance with Saved Policy T5 of the Local Plan.

Flood Risk and Drainage

Saved Policy NE14 of the Local Plan states that development proposals should provide satisfactory surface water and foul water measures. In addition the NPPF sets out at Paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The application has been accompanied by a Flood Risk Assessment and the scheme has been considered by the Environment Agency, Severn Trent Water and Leicestershire County Council (Drainage).

The Environment Agency and Leicestershire County Council (Flood Risk) have raised no objection to the proposed development subject to conditions relating to surface water and the improvement foul water drainage.

Based on this and the conditions recommended by the Environment Agency that have been imposed to provide satisfactory mitigation, it is considered that the development proposed would not lead to flood risk and would be in accordance with the requirements of the NPPF.

Severn Trent Water has raised no objection to the proposal subject to a scheme for surface water drainage and foul water being submitted prior to the commencement of development. It

is not considered that the proposal would lead to harm to the quality of groundwater from surface or foul water in accordance with Saved Policy NE14 of the Local Plan.

Archaeology

The application has been accompanied by an Archaeological Survey in conformity with Saved Policy BE14 of the Local Plan. Paragraph 128 of the NPPF states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Leicestershire County Council (Archaeology) has raised no objection and consider that the site would be unlikely to contain any significant archaeological remains.

It is therefore considered that the proposal is in accordance with Saved Policies BE14 and BE16 and the NPPF insofar as it relates to the protection of heritage assets.

Ecology

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.

An ecological assessment was submitted with the application, which has been considered by Leicestershire County Council (Ecology). The indicative layout conserves main habitats with buffer zones alongside and there is the potential for enhancement through the management and layout of open space. LCC Ecology has suggested that the hedgerows running through the site should be incorporated as part of the open space as opposed to private gardens through the detailed design and layout of the scheme. A biodiversity management plan for all retained and created habitats including SUDs would be secured by condition to ensure long term future maintenance.

The proposed development would not have any significant detrimental impacts upon ecology or protected species and is therefore in accordance with the NPPF insofar as it relates to the protection of species and biodiversity enhancement.

Infrastructure Obligations

Due to the scale of the proposal developer contributions are required to mitigate the impact of the proposed development upon community services and facilities.

The general approach to developer contributions must be considered alongside the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Play and Open Space

Policy 19 of the Core Strategy and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005 - 2010 & Audits of Provision 2007 (Update).

As the proposed development is for housing a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Saved Policies REC2 and REC3 is required.

The site is located within 1km of Sport in Desford, Peckleton Lane which is categorised within the Green Space Strategy as a neighbourhood open space for outdoor sport. Saved Policy REC2 applies which states a capital contribution of £586.80 is required per dwelling as set out in the Play and Open Space SPD. This is split out at £322.80 capital and £264.00 maintenance for a 10 year period. For 120 dwellings this would total £70,416. The contribution would be used to enhance the existing facilities and provide additional formal open space provision at the sports ground. Occupiers of the dwellings proposed are likely to use this formal open space and therefore increased wear and tear on those facilities would ensue. As such it is considered that the contribution is reasonable in mitigating the impact of the proposed development upon the existing facilities and in order to improve the quality of the existing formal open space through enhancement.

There is an existing equipped children's play space within 400 metres of the site on Kirkby Road managed by the parish council. Given that the occupiers of the proposed development would use this play space a contribution is required for additional provision and the maintenance of the play space is required. Should the developer elect for the parish or borough council to adopt and maintain the provided on site equipped play space and informal play space the cost would be £1,258.80 per dwelling split into £817.80 for provision and £433.00 for maintenance. Based on 120 dwellings this would equate to £151,056.00.

It is considered that the play and open space contribution is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policy 19 of the Core Strategy, Saved Policies REC2 and REC3 Local Plan and the Play and Open Space SPD.

Education

A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis. A contribution of £348,451.49 is sought for primary education. The site falls within the catchment area of Desford Primary School where there would be an additional demand for 29 pupil places created by this development that cannot be met within the existing capacity of the school. The site falls within the catchment of Market Bosworth High School and Bosworth Academy. There is capacity at these schools and therefore no contribution is required.

The total education contribution request is £348,451.49. The contribution would be used to address existing capacity issues created by the proposed development. The request is considered to be directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of receipt of the final payment.

Libraries

A contribution request has been made from Leicestershire County Council Library Services for £3,620.00 for use of provision and enhancement of library facilities at Desford Library and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising from the development. It is considered that the library request has not demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility and therefore it is not considered that the request is CIL compliant.

Civic Amenity

A contribution request has been made from Leicestershire County Council Environmental Services for £5,944.00 for enhancing the waste facilities at Barwell Civic Amenity Site including providing additional waste collection points and compaction equipment. It is estimated that there will be an additional 33 tonnes of waste generated by the development and given that the total waste collected is approximately 8,000 tonnes per annum at this civic amenity site, it is difficult to see that a contribution is necessary or fairly related to this development as the impact from this development would be minimal and therefore the request is not considered to be CIL compliant.

Transport

A request has been made from Leicestershire County Council (Highways) for Travel Packs (£52.85 per pack) to inform new residents from first occupation what sustainable travel choices are in the surrounding area. Bus passes at two per dwelling for a six month period are required to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. The Travel Packs are to be funded by the developer with two application forms for bus passes at £350.00 per pass.

Improvements are sought for the nearest bus stops on Manor Road, near Manor Gardens including providing raised and dropped kerbs at £3,263.00 per stop. A contribution towards equipping the nearest bus stops with Real Time Information systems to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice is required at a total of £5,150.00. As occupiers of the proposed dwellings are likely to use the existing public transport facilities in close location to the site, it is considered that the increase use of the bus stops would lead to a need to provide better level access for residents and an enhancement in the facilities for public transport users. It is considered that the request is directly, fairly and reasonably related in scale and kind to the development proposed.

Health

NHS England (Leicestershire and Lincolnshire Area) requests £60,584.09 for Desford Medical Centre. The list size of this practice has already grown and the practice has very limited space to manage any increases. The practice is at capacity and this development will create increased workload. The contribution would be used towards expanding existing treatment rooms and increasing capacity to enable the practice to offer additional appointments to provide additional care and treatment options for new patients in a primary care setting.

It is considered that this contribution is necessary, is fairly and reasonably related in scale and kind to the development proposed using Department for Health cost multipliers and is essential to relieve the impact of the development on health provision locally and provide for capacity to deal with the increased population that would arise as a result of this development.

Police

Leicestershire Police has provided detailed justification for a S106 request of £39,715.00. This would be split into £4,409.00 for start up equipment for a new police officer that would be required as a result of the development, £2,626.00 towards associated vehicle costs, £252.00 towards additional radio call capacity, £132.00 towards Police National Database additions, £289.00 towards additional call handling, £2,055.00 towards ANPR cameras,

£375.00 towards mobile CCTV equipment, £29,337.00 towards additional premises and £240.00 towards hub equipment for officers.

It is considered that this infrastructure is necessary, is fairly and reasonably related in scale and kind to the development proposed and required for the prevention of crime and to create safer communities.

Conclusion

In conclusion, the principle of development is not considered to be acceptable as it is contrary to the housing supply policies of the Core Strategy that direct growth in accordance with the emerging Site Allocations Development Plan Document. The proposal would significantly exceed the housing allocation for Desford conflicting with Policy 8 of the Core Strategy leading to an unsustainable form of development. The proposal would introduce housing on greenfield agricultural land impacting on the rural character and setting of the village.

For the above reasons it is recommended that permission is refused. In reaching this recommendation the views and concerns raised by local residents have been carefully considered and taken into account.

RECOMMENDATION:- Refuse planning permission.

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority has attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, however in this instance the proposed development remains in conflict with the development plan and is therefore unacceptable.

Reasons :-

1. The proposal would conflict with the spatial distribution of growth as identified within the Core Strategy by significantly exceeding the residual allocated requirement for housing in Desford, leading to an unsustainable form of development by virtue of its location outside the settlement boundary of the village, and its impact upon the rural character and setting of the village. The proposal is contrary to Policy 8 of the adopted Core Strategy and saved Policies NE5 and BE1 of the Hinckley & Bosworth Local Plan (2001).

Notes to Applicant:-

- 1 List of plans used in the determination of this application:- Illustrative Masterplan Dwg No. 14-163-02B and Site Location Plan 1:1250 received by the Local Planning Authority 24 November 2014.

Contact Officer:- Simon Atha Ext 5919