

GYNSILL COURT

GYNSILL LANE, ANSTEY

PROPOSED RESIDENTIAL DEVELOPMENT



Prepared by Pro Vision Planning & Design for and on behalf of Mr Jan Matthews

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1.0 Introduction

- 1.1 This Planning Statement supports an outline application for planning permission for the development of 40 dwellings at Gynsill Court, Gynsill Lane, Anstey, LE7 7AH. The application is made on behalf of **the landowner, Mr Jan Matthews**.
- 1.2 Section 2 provides a description of the site and the surrounding area, including the site planning history and a summary of pre-application discussions with Charnwood Borough Council. An outline of the proposed development is presented in Section 3. Section 4 sets out the relevant planning policy and material considerations. A planning assessment of the proposals is supplied in Section 5. Finally, section 6 summarises the issues to be considered in the determination of the planning application.
- 1.3 The Statement should be read with the separate Design and Access Statement and other supporting reports.

2.0 The site and surrounding area

- 2.1 The 1.53 hectare application site is an open and undeveloped area of land to the west of Gynsill Court and to the north of what remains of ornamental woodland with ponds. It is located within the Parish of Anstey in Leicestershire, within the Borough of Charnwood. The A46 Leicester western bypass creates a barrier between the site and the main settlement of Anstey.
- 2.2 The site is directly connected to the village of Glenfield to the south, via Gynsill Lane. The majority of the site lies outside of the Limits to Development as identified within the adopted Charnwood Local Plan and within an area designated as green wedge. There is currently a vehicular access into the site from Gynsill Lane. This curves into the frontage parking area and also serves the neighbouring property.
- 2.3 The site lies within the boundary of Gynsill Court, an Edwardian mansion with adjoining mews cottages and ornamental gardens. Gynsill Court is a late 19th Century locally listed building, with some 20th Century additions, which has been subdivided to provide nine flats. There are four mews cottages. Two of the cottages are also locally listed. The landscape surrounding Gynsill Court comprises a lawn, with pockets of mature trees and vegetation, used as garden space. The Mews partially screen the application site from Gynsill Lane.
- 2.4 The site is well screened by mature vegetation along the eastern, southern and western site boundaries. The site to the north is subject of current development proposals (see Design and Access Statement) Almost all of the trees on and adjacent to the site are the subject of Tree Preservation Orders, including eight individual trees, six groups and the ornamental woodland. The deciduous woodland is a Biodiversity Action Plan (BAP) priority habitat. Many of the trees on and adjacent to the site are in poor condition and are in decline.
- 2.5 The application site falls within Flood Zone 1. Flood Zone 2 abuts the north western site boundary. Located beyond the site's north western boundary is Rothley Brook, which is designated as a Site of Importance of Nature Conservation. There is a public bridleway located between Rothley Brook and the north western site boundary. Further north, the landscape is impacted by the A46, electricity pylons and a wind farm.
- 2.6 There is a row of large, detached residential dwellings to the south and east of Gynsill Court, along Gynsill Lane. The area of land within the ownership of the applicant is adjacent to Glenfield Sports Ground, which is directly to the south west. Glenfield Sports Ground is a public open space used for cricket and other sports.
- 2.7 The site is in a sustainable location, with access to a range of facilities and services in Anstey and Glenfield, including higher order facilities and services, primary and secondary schools, local shops and public open space, as described within the Design and Access Statement submitted in support of this planning application. Anstey and Glenfield are served by buses to Leicester, Loughborough, Rothley, Cropston, Quorn and the surrounding settlements. An accountability plan is included in Section 2 of the Design and Access Statement.
- 2.8 Davidsons Homes has submitted a planning application for 57 dwellings, with associated access, open space, landscaping and the construction of noise attenuation bunds on land directly to the north and east of the site (Reference: P/13/1507/2). The planning application is pending consideration by Charnwood Borough Council.

Site Planning History

- 2.9 Gynsill Court has an extensive planning history, summarised below in Table 1. A number of residential schemes have been approved, including planning permission for 16 flats and 4 houses granted in 2006 (Reference: P/04/1232/2). The consent followed a lengthy period of consideration of alternative development proposals, key issues, constraints and related matters.
- 2.10 The scheme for additional development was never implemented as the changing market led to a reduced demand for flats in the housing market area. The proposed flatted development was not deemed to be viable, even though there was no requirement for affordable housing and there were no overly onerous planning obligations. Values for new property in the area are relatively low when assessed against build costs and related development costs. The proposed flats were not viable even though the economy at the time was strong and development and mortgage finance were both freely available.
- 2.11 A planning application for an extension of time relating to the scheme was submitted and subsequently withdrawn. The applicant was informed that new policies would give rise to an affordable housing requirement, resulting in the scheme being even less viable.

(Table 1: Planning history)

Reference	Type	Description	Decision	Decision Date
P/76/1538/2	Outline	Use of land for riding school.	Refuse	07/10/1976
P/76/2823/2	Outline	Use of land for riding school with access from Gynsill Lane.	Withdrawn	15/12/1976
P/89/1887/2	Full	Change of use from dwelling to offices (Company headquarters).	Refuse	12/10/1989
P/89/2989/2	Full	Change of use to convert Edwardian mansion with conference suite extension to form single occupancy regional or national company headquarters.	Withdrawn	07/03/1990
P/91/2586/2	Outline	Demolition of 4 flats for the erection of 8 terraced two bedroom houses.	Grant Conditionally	08/02/1993
P/93/1194/2	Full	Alterations to building to form 9 self-contained flats.	Grant Conditionally	03/08/1993
P/04/1232/2	Full	Demolition of 4 flats and erection of 16 flats (2, 2-and-a-half and 3-storey), 1 detached house and 3 terraced houses (2-storey) with associated parking.	Grant Conditionally	28/06/2005
P/06/1994/2	Full	Demolition of 4 flats and erection of 22 dwellings comprising 6 x 3-bed terrace houses, 4 x 3-bed detached houses and 12 x 2-bed flats. (Revised scheme P/04/1232/2).	Refuse	21/09/2006

Reference	Type	Description	Decision	Decision Date
P/10/1269/2	Full	Extend time limit for implementation of planning permission P/04/1232/2. (Demolition of 4 flats and erection of 16 flats (2, 2-and-a-half and 3-storey), 1 detached house and 3 terraced houses (2-storey) with associated parking.	Withdrawn	08/09/2010

Pre Application Discussions

2.12 A written request to Charnwood Borough Council for pre-application advice relating to the development of up to 49 dwellings was made on 5 April 2013. Charnwood Borough Council's response dated 28 May 2013 identified the following key issues:

- Securing a safe and appropriate access;
- The impact of the development on statutorily protected trees on the site;
- Attaining a quality environment for potential householders, given the close proximity of the A46;
- The impact of the development on the residential amenity of existing nearby occupiers;
- The impact of the development on the setting of the locally listed building;
- Flood risk.

2.13 The above issues have informed the preparation and content of this planning application for the development of 40 residential units. Issues of access, trees, flooding and residential amenity have been considered and addressed.

Charnwood Strategic Housing Land Availability Assessment

2.14 The land has been assessed as a possible suitable housing site as part of Charnwood Borough Council's Strategic Housing Land Availability Assessment. The Strategic Housing Land Availability Assessment forms part of the evidence base for the emerging Charnwood Core Strategy. The site was described as having no irresolvable physical or environmental constraints affecting development. The site was identified as a suitable location for development subject to a suitable access being achieved.

3.0 The proposed development

- 3.1 The proposals for the undeveloped part of the site, excluding Gynsill Court, the adjoining mews cottages and the ornamental woodland and ponds, have been prepared following consideration of the wider policy, economic context, relevant site constraints and the proposals for the adjoining land controlled by Davidsons Homes.
- 3.2 The Design and Access Statement provided in support of this planning application describes the design process and the proposed development. The proposals are for a garden suburb, with 40 high quality dwellings in well landscaped grounds, feature buildings and an interconnected network of footpaths and open spaces. The ornamental woodland and ponds would be restored as part of the scheme. Development would be sustainable, with a high code rating.
- 3.3 The proposals are put forward as a logical next step in the organic growth of the settlement of Anstey, well connected to a range of facilities and services. The scheme includes a range of tenures, types and sizes of accommodation, respectful of the local character and the local environment. The proposals would provide a walkable neighbourhood, which is a safe area for pedestrians, cyclists and vehicles, not car dominated and an area in which people can enjoy living, visiting and passing through.

4.0 The development plan and material considerations

- 4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires Local Authorities to make any determination under the Planning Acts in accordance with the policies of the development plan unless material considerations indicate otherwise.

The development plan

- 4.2 The Development Plan comprises Charnwood Local Plan 2004, which covers the period 1991 to 2006. The guidance contained within paragraph 214 of the National Planning Policy Framework (NPPF) applies and some aspects of the Local Plan are out-of-date. Due weight should only be given to relevant policies according to their degree of consistency with the Framework, in accordance with paragraph 215.
- 4.3 The relevant policies set out within Charnwood Local Plan 2004 are summarised below:

ST2 Limits to development

Built development will be confined to allocated sites and other land within the limits to development identified on the proposals map.

ENV1 Design

The Borough Council will seek to ensure a high standard of design in all new developments. Planning permission will be granted for new development which:

- Respects and enhances the local environment, including the scale, location, character, form and function of existing settlements and the open and undeveloped nature of the countryside;
- Is of a design, illustrative layout, scale and mass compatible with the locality and any neighbouring buildings and spaces;
- Utilises materials appropriate to the locality;
- Provides positive and attractive built frontages to existing or proposed public spaces, including roads, footpaths, waterways and areas of public open space;
- Safeguards important viewpoints, landmarks and skylines;
- Uses the landform and existing features in and around the site, such as woodlands, trees, hedges, ponds, important buildings and structures imaginatively as the focus around which the new development is designed;
- Safeguards the amenities of adjoining properties, particularly the privacy and light enjoyed by adjoining residential areas;
- Meets the needs of all groups, including the disabled; and
- Minimises the opportunity for crime, to create a safe and secure environment.

ENV8 Buildings of local historic or architectural interest

Development affecting a building of local historic or architectural interest, or its setting, will be permitted if the appearance and character are safeguarded, or the development would result in significant local community or environmental benefits.

ENV17 Safety in new development

The design and illustrative layout of development should create a safer environment, particularly for women, children and the elderly.

Landscaping in new development

A high standard of appropriate landscaping should be provided.

ENV39 Development and pollution

Planning permission will be granted where appropriate measures to overcome potential pollution problems are proposed.

H5 Affordable housing on unallocated sites

The Council will seek to negotiate an element of affordable housing where:

- The site is close to a range of local services and facilities and easily accessible by public transport;
- Affordable housing would not prejudice the achievement of other key planning objectives identified in relation to the development of the site; and
- The development incorporates a range and mix of housing types.

H16 Design and illustrative layout of new housing developments

All new housing developments will be expected to achieve high standards of design and illustrative layout.

CT1 General principles for areas of the countryside, green wedge and local separation

Land lying outside the defined limits to development is identified on the proposals map as countryside, green wedge and areas of local separation. Development within these areas will be strictly controlled.

CT2 Development in the countryside

Development acceptable in principle will be permitted where it would not harm the character or appearance of the countryside and would safeguard historic, nature conservation, amenity and other local interest.

CT3 Development in the green wedge

In green wedge areas, development acceptable in principle will be permitted where it would:

- Protect the predominantly open and undeveloped character of the area;
- Safeguard the areas function to provide strategically important separation between settlements;
- Maintain and enhance public access for walkers, cyclists, horse riders; and
- Secure landscape improvements.

TR5 Transport standards for new development

Development for 25 dwellings or more, likely to function as a major trip generator will be permitted where the development:

- Is in an urban location, well served by non-car modes, and with short walking, cycling and public transport links to town and district centres;

- Ensures the needs and safety of pedestrians are met in terms of access to and within the site.
- Ensures the needs and safety of cyclists are met in terms of access to the site and the inclusion of special features such as cycle ways, cycle lanes, safe cycle crossings and direct links; and
- Makes adequate provision for vehicular access and circulation, highway design, illustrative layout and servicing arrangements.

TR6 Traffic generation from new development

Permission will be granted on non-designated sites where the individual or cumulative impact of traffic generation would result in safe and satisfactory operation of the highway system and would not have a significant adverse impact on the environment. Appropriate measures should be proposed to overcome harmful effects.

TR13 Access for cyclists and pedestrians

Planning permission will be granted for proposals that develop the network of pedestrian and cycle routes.

TR16 Traffic calming

Traffic calming and management measures should address:

- Traffic congestion;
- Reduction of unnecessary traffic in areas of public activity;
- Creation of safer conditions for cyclists and pedestrians;
- Access for emergency vehicles;
- On and off street parking.

TR18 Parking provision in new development

Development should include provision for off street parking.

RT3 Play spaces in new development

Housing developments of more than 10 dwellings, primarily for family occupation, should provide equipped play areas for children in accordance with the following standards:

- 75 sq m per 10 dwellings for children's equipped playgrounds; and
- 125 sq m per 10 dwellings for other children's play spaces.

RT4 Youth and adult play

Appropriate recreation facilities should be provided at 425 sq m of recreational space per 10 dwellings, or via a contribution.

RT5 Amenity open space in new development

Housing developments of more than 10 dwellings should provide suitably landscaped areas of amenity open space at 38 sq m per 10 dwellings.

RT6 Design of play areas

Development giving rise to the need for play spaces should ensure that such areas are designed to the appropriate standard.

Material Considerations

- 4.4 Section 70 (2) of the Town and Country Planning Act 1990 requires that all material considerations are taken into account. Material considerations in this instance arise from a range of relevant guidance including the following:
- The NPPF;
 - Charnwood Borough Council Pre-submission Draft Local Plan; and
 - Charnwood Borough Council's Affordable Housing Supplementary Planning Document.

The NPPF

- 4.5 The NPPF sets out the Government's planning policies for England and how these should be applied. The NPPF provides guidance for local planning authorities. Parts of the Framework that are of most relevance to residential development at Gynsill Court are summarised below.
- 4.6 Paragraph 6 of the NPPF indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 14 establishes the presumption in favour of sustainable development. Where the development plan is absent, silent or the relevant policies are out-of-date, planning permission should be granted unless the adverse impacts would significantly and demonstrably outweigh the benefits.
- 4.7 Core planning principles are listed within paragraph 17 of the NPPF. The second core planning principle states that planning should not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve places. Paragraph 187 requires local planning authorities to look for solutions rather than problems. Decision takers at every level should seek to approve applications for sustainable development where possible. Authorities should work proactively with applicants to secure development that improves the economic, social and environmental conditions of the area.
- 4.8 The third core planning principle is to proactively drive and support sustainable economic development to deliver housing, business and other growth. Paragraph 19 sets out the Government's commitment to ensuring the planning system contributes to economic growth. Significant weight should be placed on the need to support economic growth through the planning system.
- 4.9 The fourth core planning principle is to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 61 of the NPPF states that decisions should address the connections between people and places, and the integration of new development into the natural, built and historic environment.
- 4.10 The seventh core planning principle requires the conservation and enhancement of the natural environment. Paragraph 109 of the NPPF sets out the requirement for the planning system to contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, and minimising impacts on biodiversity.
- 4.11 The tenth core planning principle relates to the conservation of heritage assets in a manner appropriate to their significance. Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of the positive contributions that heritage assets can make to sustainable communities,

including economic vitality. New development can make a positive contribution to local character and distinctiveness.

- 4.12 The eleventh core planning principle states that planning should actively manage patterns of growth to make use of public transport, walking and cycling. Significant development should be focused in sustainable locations.
- 4.13 Paragraph 47 of the NPPF stipulates that, to significantly boost the supply of housing, local planning authorities are required to meet the full, objectively assessed needs for market and affordable housing in the housing market area. Local planning authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of five percent. The buffer increases to twenty percent if local planning authorities have a record of persistent under delivery of housing.
- 4.14 Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 4.15 Paragraph 52 identifies that the supply of new homes can sometimes be best achieved through planning for larger scale development, such as new settlements or extensions to existing villages and towns.
- 4.16 Paragraph 103 of the NPPF states that, when determining applications, local planning authorities should ensure that flood risk is not increased elsewhere. Development proposals should avoid areas at risk of flooding.
- 4.17 Finally, planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development, in accordance with paragraph 123.

Charnwood Borough Council's Pre-submission Draft Local Plan

- 4.18 The Pre-Submission Draft Local Plan sets out the Council's strategy to locate development towards the Leicester Principle Urban Area and Loughborough Sub Regional Area. Anstey, which encompasses the application site, is defined as one of seven service centres. Service centres provide a good range of facilities and infrastructure, and are accessible by sustainable modes of transport. The Pre-Submission Draft Local Plan makes provision for at least 3,171 new homes over the plan period. The Local Plan Examination by the Secretary of State is programmed to take place in early 2014.

Affordable Housing SPD (2005)

- 4.19 The Affordable Housing SPD sets out the requirements for affordable provision on housing sites, including targets and thresholds for provision. The Council's target to provide a minimum of 30% affordable housing on all sites for new dwellings has been considered in the proposals.

5.0 Planning assessment

The principle of development

- 5.1 The government has urged local authorities to help address the current housing crisis by enabling a step change in the level of new housing development nationwide. Further, there is a shortfall in housing land supply which has been acknowledged by the Council. There is an identified need for homes in sustainable locations in this Borough.
- 5.2 Housing completions since 2008 have averaged a shortfall of 166 dwellings per year below the target provision. Under delivery is projected to continue ahead of the implementation of the emerging Local Plan. Charnwood Borough Council published an update on the housing land supply position dated 31 April 2013. The assessment considered the five year period 2014-2019. The update included newly permitted sites and sites with a resolution to permit subject to a Section 106 Agreement. The Council's update on the housing land supply position demonstrates a shortfall across the Borough. The Council has a 2.49 year supply of housing land.
- 5.3 Due to Charnwood Borough Council's significant shortfall in housing land supply and the date of the adopted Local Plan, the development plan is out-of-date, as set out within paragraphs 49 and 214 of the NPPF, respectively. Development Plan Policies ST2 Limits to Development and CT3 Development in the Green Wedge no longer apply. The presumption in favour of sustainable development within the NPPF is relevant to the proposals. The proposed development would not result in any adverse impacts which significantly and demonstrably outweigh the benefit of meeting the acute housing need in the Charnwood Borough.
- 5.4 The proposed housing scheme represents the logical use of an otherwise vacant and underutilised site in a sustainable location, close to existing facilities and services. The scheme would reduce pressure for residential development at other less sustainable, less accessible and more sensitive greenfield sites elsewhere in the countryside.

The social and economic benefits of the proposal

- 5.5 The proposed development will provide 30% affordable housing, which will contribute to meeting an acute local need. The development comprises a high quality design which respects the identity of Gynsill Court, Anstey and Glenfield. The scheme is responsive to local character and the local environment. The proposals will foster the development of a vibrant and healthy community, with convenient access to a range of local services and facilities via sustainable modes of transport.
- 5.6 The proposed management of the ornamental woodland and provision of amenity green space will contribute to the local green infrastructure network. A local area of play will be provided in accordance with the relevant recreation standards. Residents would have convenient access to the adjacent Glenfield Sports Ground.

- 5.7 The development will provide a significant injection of expenditure into the local economy in the short term during the construction phase. The spending generated by the additional households will have a long term positive impact on the local economy. The development will support the Council's objectives for economic growth, enhancing the vitality and viability of Anstey and Glenfield village centres.

The environmental impact of the development

- 5.8 A wide range of survey and analysis work has been completed to inform the proposed development. The impact of noise from the A46 Road on the proposed dwellings has been assessed. The impacts on trees, residential amenity, listed buildings, archaeology, ecology and flood risk have also been considered.
- 5.9 The recommendations of the noise report submitted in support of this planning application have informed the development proposals. Windows will be provided to the recommended specification and gardens will be screened from the A46 by new dwellings or by acoustic fences.
- 5.10 The arboricultural surveys submitted with the planning application have informed the design of the proposed development. The root protection areas relating to the edge of the ornamental woodland and the retained trees within and on the perimeter of the site will be protected. The southernmost access will be improved through the construction of a bridging structure, on mini piles or by similar means, where the access encroaches into the root protection areas of higher quality trees. The ornamental woodland will be brought into active management as an informal recreation space for the residents of Gynsill Court.
- 5.11 The proposed development respects the residential amenity of the occupiers of the existing flats and cottages at Gynsill Court. The scheme respects the views into the surrounding countryside from Gynsill Court and the proposed site access is located to avoid significant adverse impacts on residential amenity. Given that the development would be set back some way from Gynsill Lane and substantially shielded by the existing buildings on the site, the proposals would not adversely impact on the visual and general amenities enjoyed by the other residents of Gynsill Lane.
- 5.12 The proposed dwellings are subservient to the main house and respect important views of the principal elevation. The site topography emphasises the prominence of the main original building.
- 5.13 The proposed development area is situated outside the medieval core of Anstey and some distance from known archaeological remains. There is a low to moderate potential for archaeological remains. The lawn area within the curtilage of Gynsill Court may include the remains of a building and has been excluded from the proposed development area.
- 5.14 The Phase 1 Survey submitted in support of the planning application identifies that the ponds within the woodland adjacent to the site have potential for Great Crested Newts. The proposals include a buffer zone between the dwellings and the ponds. Site clearance will be supervised by an ecologist. The site will be checked for badgers immediately prior to development. Vegetation clearance will take place outside bird nesting season, or will be supervised by an ecologist.
- 5.15 Landscape proposals are included within the ecological assessment. A detailed landscape scheme will be provided at the reserved matters stage. Given that shortly beyond the boundary of the property are electricity pylons and the A46 ring road, there will be no encroachment on any rural area.

- 5.16 The flood risk assessment provided in support of this planning application demonstrates that the site is well drained, lies outside the floodplain for Rothley Brook and is not at significant risk of flooding.

Transport, access and car parking

- 5.17 The southernmost access to Gynsill Court would serve the proposed development. The northern access would be altered and used only as a pedestrian access. Leicestershire County Council has agreed in principle that the proposal access would be suitable to serve the proposed number of dwellings. The Highway Statement provided in support of this application identifies that the proposed access improvements are a significant highway gain.
- 5.18 The indicative layout makes provision for pedestrians and cyclists. The proposed road layout could conform to County Council standards for adoption. The illustrative layout achieves car parking and turning facilities in accordance with the relevant standards.

6.0 Summary

6.1 The following issues should be considered in the determination of the planning application:

- The delivery of the proposed development is required to support Charnwood Borough Council in achieving an adequate supply of housing, including affordable housing;
- The proposals represent the logical use of an otherwise vacant and underutilised site;
- The site is in a sustainable location, close to existing facilities and services;
- The scheme would reduce pressure for residential development at other less sustainable, less accessible and more sensitive greenfield sites;
- The development comprises a high quality design, responsive to local character and the local environment;
- The proposals will contribute to the local green infrastructure network and provide recreation and play space;
- The development will generate expenditure and have a positive local economic impact;
- Impacts of noise from the A46 Road on the proposed dwellings can be mitigated, in addition to impacts on trees, residential amenity, listed buildings, archaeology and flood risk;
- The proposed access improvements are considered to be a significant highway gain. The indicative layout makes provision for pedestrians, cyclists parking and turning facilities in accordance with the relevant standards.