

APPENDIX B

**Report of the Head of Regeneration and Planning
Planning Committee**

1 October 2013

PLANNING & DEVELOPMENT REPORT

PLANNING COMMITTEE FRONT SHEET

1. Background Papers

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

2. Late Information: Updates

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

3. Expiry of Representation Periods

In cases where recommendations are headed "Subject to no contrary representations being received by [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Regeneration and Planning are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Regeneration and Planning's report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before the a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Regeneration and Planning.

5. Granting permission contrary to Officer Recommendation

Where the Head of Regeneration and Planning's report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, eg. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Regeneration and Planning.

6 Refusal contrary to officer recommendation

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Regeneration and Planning.

7 Delegation of wording of Conditions

A Draft of the proposed conditions, and the reasons for the conditions, are included in the report. The final wording of the conditions, or any new or amended conditions, is delegated to the Head of Regeneration and Planning.

8. Decisions on Items of the Head of Regeneration and Planning

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

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A2	12/01094/FUL	Land At Measham Waterside Burton Road Measham Erection of 4 no. two-storey (with habitable accommodation in the roof space) dwellings and associated garaging (revised scheme)
A3	13/00605/FUL	191 Loughborough Road Whitwick Coalville Erection of two storey side extension and single storey rear extension (Including Demolition of existing detached garage) to form integral garage, en suite bedroom (Enlarged) and new Kitchen/Dining Room Woodlands Main Street Wilson

Section B – Other Matters

There are no items in this section

SECTION A- PLANNING APPLICATIONS

Development of up to 450 residential dwellings and reinstatement of 1.1km of associated canal, provision of public open space and vehicular, emergency and footpath access (Outline application - All matters reserved except access)

Report Item No
A1

Land At Measham Waterside Burton Road Measham Derby

Application Reference
13/00141/OUTM

Applicant:
Measham Land Company Limited

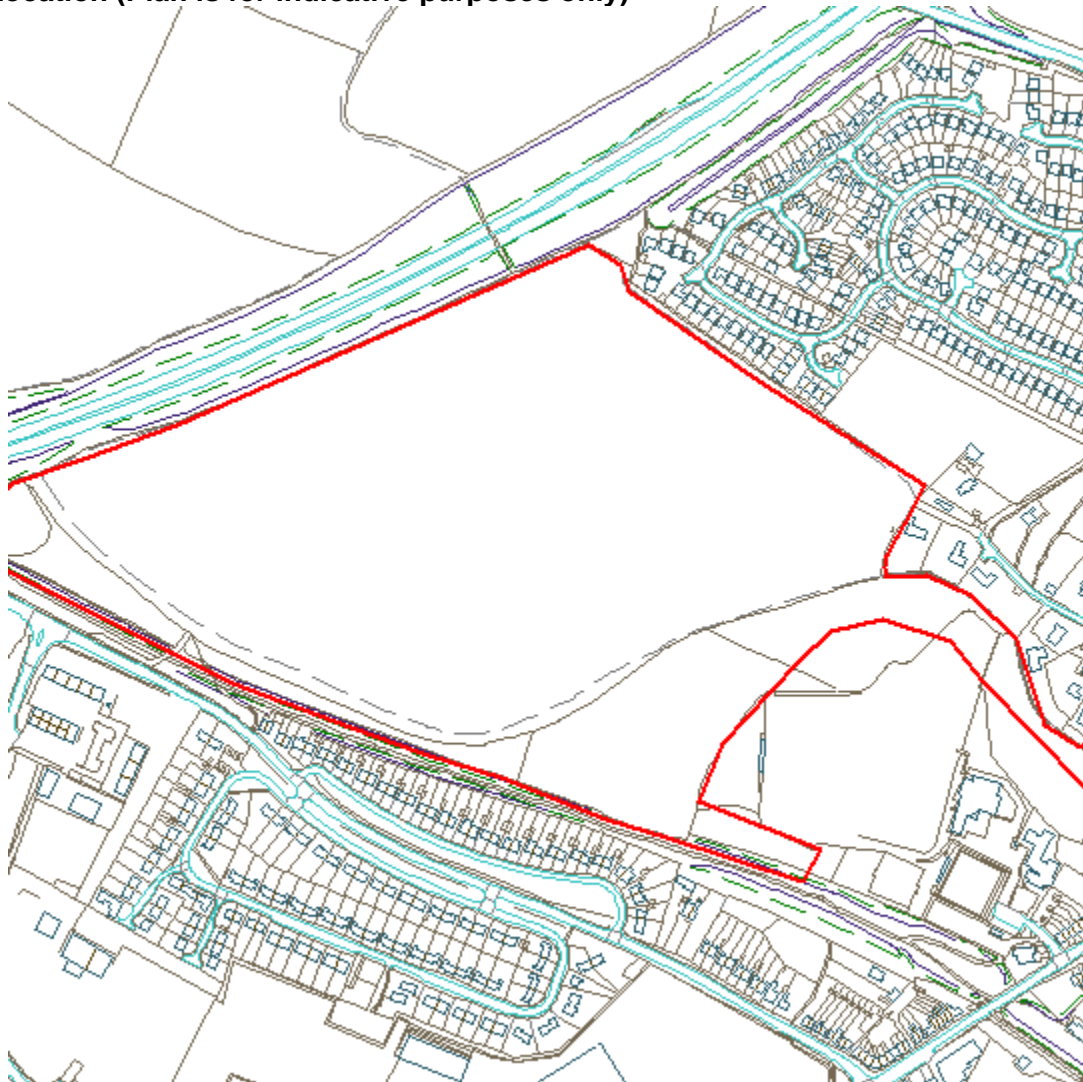
Date Registered
25 February 2013

Case Officer:
Sarah Worrall

Target Decision Date
27 May 2013

Recommendation:
PERMIT Subject to a Section106 Agreement

Site Location (Plan is for indicative purposes only)



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Executive Summary

Call In

The application has not been called in but is brought before Planning Committee on the grounds of local concern.

Proposal

This is an outline application for the erection of up to 450 dwellings, reinstatement of 1.1km of associated canal, provision of public open space, footpath access, an emergency access off High Street, and a new access with roundabout off Burton Road. All matters, except access, are reserved for subsequent approval.

Consultations

Members will note that representations from local residents have been made. In terms of those issues raised, all statutory consultees are satisfied that there are no matters that have not been satisfactorily addressed or cannot otherwise be satisfied by way of condition with the exception of Natural England whose additional comments are outstanding at the time of writing this report. Any further advice will be reported on the Update Sheet.

Planning Policy

The site is a Greenfield site located outside the Limits to Development of the sustainable village of Measham, and is also situated within the River Mease SAC catchment area. The Submission Core Strategy identifies the site for residential and other development. Also relevant are the District's housing land requirements, and the need (as set out in the National Planning Policy Framework) to demonstrate a five year land supply particularly in light of the recent planning appeal decision for the site off Moira Road, Ashby.

Conclusion

The report below indicates that the site is a Greenfield site, and is outside Measham's defined Limits to Development as identified in the Adopted Local Plan and therefore development in the countryside. However, the Submission Core Strategy identifies the site as an area of growth to support Measham's role as a Rural Centre.

Appropriate contributions to infrastructure could also be made to enable local facilities to absorb the impact of the proposed development. A viability report has been submitted in relation to the proposed development as the applicant submits that the scheme is not viable if any additional costs over the new roundabout, emergency access, canal uplift funds and River Mease SAC Developer Contribution Scheme are required. However, the report and other background information has been assessed by the District Valuer which concludes that the scheme is viable with all financial contribution requests.

As such, whilst the proposed development would not comply with countryside policies of the Adopted Local Plan or Submission Core Strategy, the site is identified in the Submission Core Strategy as an area for growth. Benefits of the proposal including the reinstatement of 1.1km of canal and contributions to infrastructure also have to be considered. In this particular instance it is concluded that the benefits of the proposal outweigh the fact that the proposal would form development in the countryside outside Limits to Development of Measham and, on this basis, the application is recommended for approval subject to a legal agreement relating to all financial contributions and construction phasing. Should the applicant or agent subsequently advise they are not agreeable to entering into a legal agreement to secure all financial contributions due to viability issues, it is recommended that the right to defer the matter for reconsideration at a future Planning Committee meeting is reserved.

RECOMMENDATION: PERMIT SUBJECT TO CONDITIONS AND S106 AGREEMENT

MAIN REPORT

1. Proposals and Background

This is an outline application for the erection of up to 450 dwellings, reinstatement of 1.1km of associated canal, provision of public open space, footpath access, an emergency access off High Street, and a new access with roundabout off Burton Road. All matters, except access, are reserved for subsequent approval.

An indicative masterplan drawing has been submitted as part of the application which includes the current application site (Measham Waterside) as well as the adjacent site which the applicant calls the Measham Wharf site. Whilst the masterplan drawing indicates the applicant's vision for the site it is indicative only. For clarity, it should be noted there is no separate application for the Measham Wharf site at this time. This application is purely in relation to residential development and associated highways and canal infrastructure works.

A number of documents have been submitted as part of the application including a Design and Access Statement, Heritage Statement, Statement of Community Involvement, Flood Risk Assessment, Tree Survey, Landscape and Visual Assessment, Ecological Survey, Archaeological Desk Based Assessment, Noise Assessment, Preliminary Ground Investigation (Phase 1), Landfill Ground Investigation and Preliminary Remediation Strategy, Coal Mining Risk Assessment Report, Transport Assessment and a Travel Plan Framework.

A confidential Viability Report with no background information has also been submitted. Additional confidential information pertaining to this has been submitted during the application process at the request of the District Valuer which has undertaken an assessment of the viability information on behalf of the District Council.

Additional information was requested by Natural England which was received, but Natural England advised it still did not satisfy its concerns. At the time of writing this report Natural England is assessing further information submitted by the agent on 3 September 2013. Any further comments will be reported on the Update Sheet.

The site is some 19.4 hectares in size, and is predominantly agricultural land which slopes downwards from west to east and north to south. The application site also includes the former Picture House Youth Club site which fronts High Street, and the Meer Bridge off Burton Road which is a Grade II Listed structure. The site is bound at the western side by the A42, to the north by residential development off Rosebank View and Hart Drive, to the east by residential development on Chapel Street and the physical boundary of High Street, open space to the south east and residential development on Burton Road to the south.

History

There is no planning history for the application site as a whole. However, an outline application 99/0365 was submitted for residential development on a 1 hectare site just off High Street, but the file on this was closed in August 2000 as additional information which had been requested had not been submitted.

An application was submitted in relation to the former Picture House Youth Club site in relation to a satellite dish which was approved in 1990.

2. Publicity

217 residents notified by letter (Date of last notification 13/03/2013)

Site notices (x 6) posted on 25 March 2013 at various locations adjacent to the site boundaries and/or adjacent to Public Rights of Way.

Press Notice published 2013 in the Leicester Mercury

3. Consultations

Measham Parish Council consulted 6 March 2013
County Highway Authority consulted 12 March 2013
Environment Agency consulted 12 March 2013
Severn Trent Water Limited consulted 12 March 2013
Head of Environmental Protection consulted 12 March 2013
Natural England consulted 12 March 2013
NWLDC Tree Officer consulted 12 March 2013
County Archaeologist consulted 12 March 2013
LCC ecology consulted 12 March 2013
Airport Safeguarding consulted 12 March 2013
NWLDC Conservation Officer consulted 12 March 2013
NWLDC Urban Designer consulted 12 March 2013
County Planning Authority consulted 12 March 2013
LCC Development Contributions consulted 12 March 2013
NHS Leicester, Leicestershire And Rutland Facilities Management consulted 12 March 2013
Building Control - NWLDC consulted 12 March 2013
Head Of Leisure And Culture consulted 12 March 2013
Manager Of Housing North West Leicestershire District Council consulted 12 March 2013
Police Architectural Liaison Officer consulted 12 March 2013
LCC/Footpaths consulted 12 March 2013
Highways Agency- Article 15 development consulted 12 March 2013
County Planning Authority consulted 17 June 2013
English Heritage- Ancient Monument consulted 28 March 2013
National Forest Company consulted 3 April 2013

4. Summary of Representations Received

Measham Parish Council - no comments received on the proposal;

Leicestershire County Council Public Footpaths - no objection subject to the Public Rights Of Way being diverted within the site and alternative routes being made available during construction works;

Leicestershire County Council Highways Authority - no objection subject to conditions and planning obligations;

Leicestershire County Council Ecologist - no objection subject to conditions;

Leicestershire County Council Civic Amenity - no financial requirement is sought at this time as Lount CA has capacity for the size of the proposed development;

Leicestershire County Council Education - no financial requirement is sought as High and

Upper School sectors for the locality are in surplus capacity (Ibstock Community College and Ashby School respectively). However, £1,306,693.08 is sought for the Primary School Sector Requirement since there is a net deficit of 108 pupils between Measham Church of England Primary School which is at deficit and Oakthorpe Primary School which is at capacity. The contribution would be used at Measham Church of England Primary School;

Leicestershire County Council Libraries - a financial contribution of £28,530 would be sought to mitigate the impact of the development on local library services;

Leicestershire County Council Planning - the potential to extract coal from within the site should be assessed prior to the determination of the planning application to ensure that any viable mineral resources are recovered where practicable and acceptable to do so.

English Heritage - no objection but attention is drawn to the ridge and furrow site and the County Archaeologist should be consulted.

National Forest - no objection subject to a legal agreement ensuring delivery of the canal in association with the proposed development, and subject to conditions relating to open space aspects including sustainable drainage schemes, habitat creation, submission of a waymarking strategy and a construction method statement to protect retained habitats from construction.

Natural England - No objection to connecting to the mains sewer system subject to River Mease SAC Water Quality Management Plan Developer Contribution Scheme. Objection to the impact of the canal (management and maintenance) on the River Mease SSSI and SAC. Any comments in relation to additional information will be reported on the Update Sheet;

Environment Agency - no objection subject to conditions;

Severn Trent Water - no objection subject to surface and foul water drainage condition;

The Coal Authority - No objection subject to condition;

NWLDC Environmental Protection (land contamination) - no comments received at the time of writing the report;

NWLDC Environmental Protection (noise pollution) - no objection subject to conditions relating to mitigation measures as per the SLR report;

NWLDC Tree Officer - no objection in principle, subject to conditions relating to a detailed landscaping scheme and survey, and the submission and implementation of a tree protection plan should the application be approved;

NWLDC Housing Enabling Officer - No objections subject to 95 affordable rented homes and 40 intermediate homes (varied bedroom numbers within each);

NWLDC Leisure Services - No objection subject to £495,000 towards the capital redevelopment of Measham Leisure Centre which would be used by the population generated by the proposed development;

Leicestershire Constabulary - objects to the planning application if there is no consideration of the necessary Policing contribution of £152480;

Leicester, Leicestershire and Rutland NHS - The cost of providing additional accommodation

for 1080 patients in the form of an extension to Measham Medical Unit would be £178,711.92 and this is requested as a planning obligation;

21 representations have been received from local residents in relation to the proposal, 14 by individual submission and 7 through a feedback form. Full copies of comments are available for Members information on the application file. The comments can be summarised as follows:

Positive Representations

- Not against the development in principle as it will include the reinstatement of part of the Ashby Canal;
- The development will bring Measham back to life;

Representations expressing concerns

Impact on Measham and locality

- The character of Measham village will be destroyed, it is currently a quaint village;
- There is no need for development on countryside and agricultural land;
- Build homes where they are needed instead of in an area of natural beauty;
- Reduce the house numbers and increase the green space;
- It should be a smaller development around the canal basin and the fields should be left for nature conservation, wooded area and a nature trail for residents to enjoy;
- Would welcome a smaller development to include the canal wharf, local amenities and a smaller residential area around the wharf;
- Increasing the population by such a big volume may reduce the quality of life for many current residents since there is high unemployment in the area;
- The current economic climate doesn't warrant a development of this size in the village, and there is not much interest in other development in Measham - dwellings have been approved on Bosworth Road;
- The old Picture House should be incorporated into the scheme

Highways

- The development will cause too much traffic on already busy and badly surfaced roads;
- Chapel Street is a partly unadopted road and is too narrow to accept any traffic from the High Street to the development site;
- Chapel Street should not be used for an emergency access;
- An increase on traffic on Chapel Street could adversely impact on our drains, sewers and pipes on this section of the street;
- The location for the emergency access is directly adjacent to our boundary (Springfield Cottage, Chapel Street) and will cause disturbance and loss of privacy;
- Public rights of way would be diverted away from the hedgerows and wildlife;
- Public rights of way will be lost;

Other Infrastructure issues

- How will schools and Doctors cope with the added population?;
- What shops will be proposed?;
- New shops should not cause existing shops to go out of business;

Residential Amenity

- There will be increased disturbance from comings and goings;
- There will be overlooking of dwellings on Chapel Street and Rosebank View;
- Houses could be built close to the boundary of dwellings on Hart Drive and could cause overlooking;
- Development would be overbearing to the bungalows on Hart Drive;
- There will be an increase in noise, light, ground and air pollution in the National Forest area;

Canal, Flooding and River Mease SAC

- The site slopes and may cause drainage problems and increase flooding to properties on Chapel Street - we already get run-off from the field;
- A short stretch of canal will be of no use and no benefit;
- The canal should be linked;
- How will the canal be maintained?;

Ecology and Archaeology

- The site is bordered to the north by an old hawthorn hedge - this should be retained as it is the natural nesting place for wildlife and may have a preservation order on it;
- The site has a considerable range of wildlife - mammals, amphibians and insects;
- The canal route is planned through an ancient ridge and furrow site - the archaeological report doesn't mention this so is flawed;

Other

- Loss of view over the field;
- Devaluation of property;
- HS2 will go through the site so people won't buy the houses. It is unfair that houses built within 120m of the line can claim compensation;
- The rights of people who vote for MPs and Councillors should be considered.

5. Relevant Planning Policy

The following planning policy is considered relevant to the determination of this planning application.

National Planning Policy Framework (NPPF)

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development.

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

The policies of the North West Leicestershire Local Plan as set out in more detail in the relevant sections below are consistent with the policies in the NPPF and should be afforded weight in the

determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 14 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that "this means:

- approving development proposals that 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 this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted."

Paragraph 17 states that within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up to date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the Framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);

- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

"32 All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

"34 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas."

"47 To boost significantly the supply of housing, local planning authorities should:

- 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 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, local planning 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..."

"49 Housing applications should be considered in the context of the presumption in favour of sustainable 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."

"57 It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

"61 Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

"100 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."

"118 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;...
- opportunities to incorporate biodiversity in and around developments should be encouraged..."

"123 Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

"131 In determining planning applications, local planning authorities should take account of;

- the desirability of sustaining and enhancing the significant of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,
- the desirability of new development making a positive contribution to local character and distinctiveness."

"132 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. ... Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments ... should be wholly exceptional."

"133 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through a appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use."

"203 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204 Planning obligations should only be sought where they meet all of the following tests:

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

Adopted North West Leicestershire Local Plan

The following saved policies of the North East Leicestershire Local Plan are considered to be in compliance with the requirements of the National Planning policy Framework and are therefore afforded weight in the determination of this application.

Policy S3 advocates a presumption against new development in the countryside.

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services.

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

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

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

Policy E4 requires new development to respect the character of its surroundings.

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows.

Policy F1 states that new development within the boundaries of the National Forest should demonstrate a high quality of site layout, building design and choice of materials, in order to reflect local architecture and its Forest setting.

Policy F2 requires appropriate landscaping and planting schemes taking into account the existing landscape character of the site and its surroundings, the level of planting proposed, site constraints, scale type and the value of development.

Policy F3 requires that the implementation of agreed landscaping and planting schemes for new development will be secured through planning condition, the negotiation of a planning agreement, or a combination of both.

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

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria.

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

Submission Core Strategy (April 2012)

The District Council considered its response to the Pre-Submission Core Strategy consultation and suggested changes at its meeting of 26 March 2013. The Council resolved, amongst others, to agree the recommended significant changes, to note the delegated minor changes, to agree to a period of consultation on the significant changes, and to agree to submit the Core Strategy to the Secretary of State as soon as possible following consultation. The following Submission Core Strategy policies are considered relevant and, given the stage that the draft

Strategy has reached, should be afforded some (but not full) weight in the determination of this application:

Policy CS1 provides that provision will be made for at least 9,700 new homes (an average of 388 per annum) in the District over the period 2006 to 2031.

Policy CS7 provides that new development, including new facilities and services will be directed to the most sustainable locations in accordance with the settlement hierarchy set out in that policy.

Policy CS8 provides for the protection of the countryside, and requires that appropriate development in the countryside should be of a scale and environmental impact that is compatible with the character of its rural location.

Policy CS15 provides that sufficient land will be allocated to ensure the overall housing provision of at least 9,700 dwellings over the period 2006-2031.

Policy CS16 provides that all housing developments should be of a good standard of design and have a layout and built form that makes efficient use of land and complements the built form and character of the area in which it is situated, and that proposals for sites of 0.3ha or above should have a minimum net density of 30 dwellings per hectare.

Policy CS17 provides that the District Council will seek a mix of housing types, sizes and tenures in all new housing development.

Policy CS18 provides, amongst others, that a proportion of affordable housing will be provided on eligible sites.

Policy CS21 provides that all new residential development will have to demonstrate how it satisfies the Council's place-making principles:

Policy CS22 provides that new development will be supported by the provision of new or improved physical, social and green infrastructure needed to enable the amount of development proposed for the area.

Policy CS23 requires new development to maximise the efficient use of existing transport facilities in the district as it looks to a lower carbon future.

Policy CS24 requires new development to minimise carbon dioxide and other greenhouse gas emissions.

Policy CS25 provides that new residential developments will be expected to achieve the highest level technically and financially viable under the Code for Sustainable Homes.

Policy CS26 provides that new development will be directed towards areas at the lowest risk of flooding within the District.

Policy CS32 provides that new development should contribute to the protection and improvement of the natural environment.

Policy CS33 requires the water quality of the River Mease SAC to be improved.

Policy CS34 requires that heritage assets, and their setting, will be protected and conserved.

Policy CS41 sets out the proposed development strategy to support Measham's role as a Rural Centre. This includes making provision for at least 440 more homes by 2031 to the north west of Measham and a Masterplan should set out the proposed uses and relationships, additional infrastructure provision requirements in respect of local services and facilities, measures to reinstate the Ashby Canal, and consideration of the coalfield legacy and groundwater source protection.

6. Assessment

Principle of Development

The application site lies in the countryside, outside the Limits to Development of Measham so would be unacceptable under Adopted Local Plan Policy S3 which presumes against development in the countryside. In terms of housing policies, Adopted Local Plan Policy H4/1 seeks to direct housing development across the district in a sequential manner and small scale infill development within Limits to Development of Measham may, in principle, be acceptable but not large scale development outside Limits to Development.

In addition, four policies of the Submission Core Strategy are of relevance to the scheme:

- CS7: *Location of Development*
- CS8: *Countryside*
- CS15: *Distribution of Housing*
- CS41: *Measham*

The proposal would not be contrary to the countryside policy of the Submission Core Strategy since that document indicates the application site as being an area of growth to support the role of Measham as a Rural Centre under Policy CS41. Policy CS41 submits that at least 440 more homes should be provided to the north west of Measham by 2031.

Part B of CS7 notes that, after Coalville Urban Area, most of the remaining housing and employment development will be located within Rural Centres (of which Measham is one). Policies CS15 and CS42 complement one another on that issue. CS15 requires that '*at least 550 dwellings*' are to be provided during the Plan period at Measham. The Core Strategy figures are based on the residual method of calculation for housing land supply and but it should be noted that this has not been tested through Examination of the Core Strategy. Furthermore, it is a material consideration that a recent Planning Inspectorate decision for a housing development at land off Moira Road, Ashby concluded that the District Council could not demonstrate a 5 year housing land supply (5YHLS) and should calculate this using the Sedgfield approach and on top of that provide a 20% buffer for housing land supply.

On this basis, the District Council's most recent calculations indicate that the Council is only able to demonstrate a supply of 4.33 years which represents a significant shortfall vis-à-vis the requirements of the NPPF.

The consequences of an inability to demonstrate a five year supply are profound. Paragraph 49 of the NPPF advises that "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". The Council would not, in these circumstances, be able to rely on adopted Local Plan Policy S3 (Limits to Development) as, being a policy constraining the supply of housing land, it would be considered to be out of date.

Notwithstanding the above, the positive aspects of the scheme also need to be considered. If approved, the scheme would provide a community facility and potential regeneration catalyst in the form of a stretch of reinstated canal, and other infrastructure. The delivery of the canal segment and infrastructure would need to be ensured through a S.106 agreement.

Overall, whilst development of the site would be contrary to Adopted Local Plan countryside policy, that policy is currently out of date the site is an area identified for growth in the Submission Core Strategy and would include reinstatement of part of the canal and other infrastructure.

Design and Conservation Issues

The application is made in outline only with all matters, other than access, reserved for subsequent approval so there are no details of the proposed housing development. The indicative masterplan is for information only and illustrates the applicant's vision for the site.

In terms of conservation there are various designated heritage assets to consider. Firstly, the impact of the proposed access on the Grade II Listed Meer Bridge on Burton Road and, secondly, the impact of the emergency access route onto the High Street which is within the Measham Conservation Area and in the vicinity of Listed Buildings on the High Street.

The proposed roundabout access from Burton Road would be set to the south east of Meer Bridge and would not detract from the setting of that bridge which forms part of a Public Right of Way, and would continue to do so as part of this proposal.

The emergency access onto High Street would utilise the existing access at the former Picture House Youth Club site. Whilst LCC Highways would require the emergency access on to High Street to be implemented and available for use by the first occupation of the development, the Authority has confirmed, after much negotiation, that width for two way passing vehicles would be required only along parts of that access. As such, the access onto High Street could be kept as a single width access with adjacent footpath which would be in scale and character with existing accesses off High Street which are, historically, narrow due to modes of transport of those times and would have no adverse impact on the designated heritage asset. Substantive negotiations took place in relation to this matter since a two vehicle width access would appear incongruous in the streetscene and would not be appropriate in the conservation setting.

On this basis the proposed main and emergency accesses would have no adverse impact on the character or setting of designated heritage assets in accordance with the requirements of the NPPF, and Submission Coe Strategy CS34.

Residential Amenity Issues

As stated above, the application is made in outline only with all matters, other than access, reserved for subsequent approval so there are no details of the proposed housing development. It is apparent from representations made on the scheme that local residents who live close to the site are concerned about overlooking, overshadowing and overbearing impact as a result of the scheme due to the layout shown on the indicative masterplan. To clarify, the indicative masterplan is for information only and illustrates the applicant's vision for the site. Should this application be approved, details of siting, layout and appearance would be dealt with at a reserved matters application stage. However, there is no reason why a scheme could not be designed so that the amenities of existing residents were not adversely affected.

A noise assessment has been submitted as part of the application in relation to the impact of the

noise from the A42 at the north west boundary on any proposed residential development. Mitigation measures including a bund at this boundary are proposed in order to protect the amenities of any future occupiers of the site and it is recommended that appropriate conditions be attached to a decision notice should the application be approved.

Highways

Notwithstanding the comments of local residents, no emergency access is proposed between the site and Chapel Street. An existing footpath link would be maintained at that point.

Substantive pre-application, and during application, discussions have taken place between the agent and Leicestershire County Council Highways in relation to the accesses to the site. The proposed access arrangements are shown on WSP's drawing number RP-0001 Rev B. Full details of the Burton Road roundabout, which would form the main access to the site, have been submitted and proposals also include a link with a bridge and bus stop provision nearby. It would be a raised roundabout with a bridge over the proposed canal in order for boats to move underneath, and to allow adequate headroom under the bridge along the canal towpath. The emergency access, required at first occupation of the development, would be single width at the High Street and would utilise the existing access to the former youth club site as outlined in the Design and Conservation section above.

The Highway Authority has no objection subject to conditions and S106 contributions.

River Mease SAC, Drainage and Ecology

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations sets out how development proposals within an SAC should be considered. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required. It should be noted that the scale of the development is not one which warrants an Environmental Impact Assessment to be undertaken.

A long term Water Quality Management Plan (WQMP) for the River Mease SAC was finalised in June 2011 with a primary purpose *to reduce the levels of phosphate within the River Mease SAC, to enable the Conservation Objectives for the SAC to be met, and an adverse effect upon the SAC avoided*. The main objective of the WQMP is that *the combined actions will result in a reduction in phosphate in the River Mease to no more than 0.06mg/l*.

One of the actions of the WQMP was to establish a developer contribution framework in accordance with planning obligations best practice to be known as a Developer Contribution Scheme (DCS). The DCS was agreed in November 2012 and developer contributions will fund a programme of actions to restore and provide new benefits to the River Mease.

In terms of residential development, developers will have to contribute based on the exact size and sustainability of the dwellings since these factors determine the levels of Phosphate output per unit. As such, homes which are built to the new sustainable homes standards will pay a lower contribution.

The WQMP is entirely concerned with reducing levels of phosphate to enable the conservation objectives target to be met. It is therefore directly connected with and necessary to the

management of the River Mease SAC. As such, both the plan itself and the Developer Contribution Scheme are excluded from the assessment provisions of the Habitats Regulations.

The Environment Agency advises that it has no objection to the proposal subject to the Mease Developer Contribution Scheme being in place to allow a DCS payment to be made to mitigate for the increased foul effluent resulting from the development.

In addition, surface water issues are considered in the Flood Risk Assessment submitted as part of the application. The Environment Agency advises that the proposed development would meet the requirements of the NPPF if measures set out in the Flood Risk Assessment are implemented and secured by way of planning condition. Conditions are recommended by the Agency and it is recommended that these be attached to any permission should the application be approved.

The applicant has confirmed that it is agreeable to making a DCS contribution. As such, the proposal would comply with the National, Regional and Local planning policies and the Habitats Regulations.

In terms of ecology, it is noted that the County Ecologist is satisfied with the information submitted as part of the application but recommends conditions be attached to a decision should the application be approved. These would relate to reassessing for the presence of badgers if no development has taken place by then, and to the provision of wildlife corridors and habitat enhancement including bat boxes.

The indicative masterplan indicates green boundaries and soft and hard landscaping throughout the scheme. The proposals would maintain and establish green corridors within the site, and at its boundaries, to ensure that wildlife links between habitats would be maintained as advocated by Natural England, the County Ecologist and the National Forest Company. The proposed access would involve the removal of a prominent Black Poplar on Burton Road. The Black Poplar is one of Britain's rarest native timber trees and is identified as a priority species in the Leicestershire Local Biodiversity Action Plan. However, the access could not be situated at any other point on Burton Road and whilst the loss of the tree would be regrettable, it would not be of such significance to warrant the refusal of the scheme.

The site is within the National Forest and should be subject to National Forest planting guidelines which comprise 20% of the area to be woodland planting and landscaping for housing sites over 0.5 hectares. The National Forest Company is satisfied that this could be achieved on the site with the level of development proposed, since the indicative masterplan shows how the requirements could be met.

Archaeology

The Masterplan drawings indicate development over a wider area than that which forms part of this current planning application. In terms of the current application the canal route would be situated within the route area previously approved by Central Government under a Transport and Works Order which was sought by Leicestershire County Council. The current application site excludes an existing area of land where ridge and furrow is evident.

Ground stability

A coal risk assessment report and a Phase 1 site investigation report have been submitted as part of the application. The Coal Authority confirms it has no objection to the proposal subject to condition.

The County Council has raised concerns about the protection of mineral resources. However, the area has already been subject to historic coal extraction and is bordered by residential development to the north, east and west and is unlikely that mineral extraction could take place at the site without significant adverse impacts on the residential amenities of occupiers of those dwellings. It is noted that the County Council did not object to the Core Strategy proposal for housing development at the site.

Viability of the scheme

The application includes a confidential viability report for consideration as the developer is of the view that the scheme is not viable with additional infrastructure costs over and above the canal, access and River Mease DCS costs. The District Valuer was instructed to act on behalf of the District Council and requested background information details not all of which have been forthcoming. On that basis the District Valuer has assessed the viability report making certain assumptions based on current market situations and has concluded that the scheme is viable with all costs.

Should the applicant not be agreeable to meeting the financial contribution requests, or alternatively, find themselves in dispute with the District Valuer in relation to the matter, the District Council would reserve the right to negotiate between the applicant/agent and officers and, should significant disagreements emerge, also reserve the right to report the matter back to Members for further consideration.

Developer contributions

Circular 05/2005 sets out the Government's policy in respect of planning obligations. In particular, it provides in Annex B Paragraph B5 that "A planning obligation must be:

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

In addition to the above policy tests, the Community Infrastructure Levy (CIL) Regulations 2010 provide a legislative requirement that an obligation must meet tests (ii), (iii) and (iv) above which is also advocated in the Draft 2012 CIL Regulations.

In terms of the respective contributions, the following conclusions are reached:

LCC Libraries - £28,530 would be sought towards facilities at Measham Library on Thorpe Road, Measham based on the following formula for library facilities contributions: 450 x 3/4/5 bed houses/apartments @ £63.41 per unit

LCC Highways - To comply with Government guidance in NPPF the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use :

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack, index linked).
- 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other

than the car (can be supplied through LCC at average £325.00 per pass (index linked) - NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).

- New/Improvements to 2 nearest bus stops on Burton Road (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop (index linked).
- 2 new bus shelter at nearest bus stop; to provide high quality and attractive public transport facilities to encourage modal shift. At £4,908.00 per shelter (index linked).
- 2 new flag and pole at cost of £145 per site (index linked).
- Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display (index linked).
- Contribution towards equipping the nearest suitable bus route with Real Time Information (RTI) system; to assist in improving the nearest bus service with this facility, in order to provide a high quality and attractive public transport choice to encourage modal shift.
Total RTI contribution = £3900.00 (index linked)
- £300 per: ETM (Electronic Ticket Machine) upgrade cost, for nearest suitable bus service, X 12 buses (based on PVR data for Arriva 85 Bus service) = £3600.00
- £150 per: Information Point sign (non-electronic display), X 2 number of signs =£300

Justification of the proposed bus stop: Making improvements to the proposed bus stop location in relation to the site and create waiting environment and accessibility to bus service, to encourage modal shift.

The Travel Plan which is required to achieve the defined outcomes in the Travel Plan to ensure that the proposed development is satisfactorily assimilated into the transport network. This approach is considered to be consistent with Government guidance in the National Planning Policy Framework, the CIL Regulations 2011, and the County Council's Local Transport Plan 3;

A monitoring fee of £6000 (index linked) to enable Leicestershire County Council to provide support to the developers Travel Plan Co-ordinator; audit annual Travel Plan performance reports to ensure Travel Plan outcomes are being achieved and for it to take responsibility for any necessitated planning enforcement. Appointment of a Travel Plan Co-ordinator is required from first occupation and for a period to 5 years after completion of the development.

Justification: To ensure effective implementation and monitoring of the site Travel Pan submitted in support of the Planning Application.

LCC Education - This site falls within the catchment area of Measham Church of England Primary School. The School has a net capacity of 240 and 353 pupils are projected on roll should this development proceed; a deficit of 1113 pupil places (of which 5 are existing and 108 are created by this development). There is one other primary school within a two mile walking distance of the development. Oakthorpe Primary School has a projected surplus of 3 pupil places, giving an overall deficit in the primary sector of 110 pupil places. There are therefore no primary places available for children from the development and a claim for an education contribution in this sector is justified.

In order to provide the additional primary school places anticipated by the proposed development, the County Council requests a contribution for the primary school sector of £1,306,693.08. Based on the table above, this is calculated the number of deficit places created by the development (108) multiplied by the DFE cost multiplier in the table above (£12,099.01) which equals £1,306,693.08.

This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Measham Church of England Primary School. The contribution would be spent within 5 years of receipt of final

payment.

No contribution would be required for High School or Upper School facilities.

The County Council requests would help mitigate the impact of the development, and would meet the Circular policy tests and are CIL compliant. It should be noted that the developer requested a change to the notional housing mix being used in the viability assessment at the end of August 2013 and which was agreed with officers, including the Housing Enabling Officer, at the start of September. Leicestershire County Council has been reconulted on the revised notional mix and confirms that the revision will alter the above library and education requests and that they will endeavour to report with revised conclusions as soon as possible. Any further details submitted will be reported on the Update Sheet.

Leicestershire Constabulary - A Policing contribution is requested, for the sum of £152480 with a breakdown as follows:

Start up equipment	£19106
Vehicles	£12699
Additional radio call capacity	£1147
PND additions	£585
Additional call handling	£1052
ANPR	£5426
Mobile CCTV	£1000
Additional premises	£110565
Hub equipment	£900
Total	£152480

NWLDC Head of Leisure and Culture - requests £1,100 per unit (450 x £1,100 = £495,00) towards the upgrade of existing leisure facilities. This request would help mitigate the impact of the development on existing leisure facilities.

River Mease WQMP DCS - cost per unit in relation to phosphate mitigation measures. This request would help mitigate the impact of the development on the River Mease, and would meet the Circular policy tests and is CIL compliant.

Clauses relating to affordable housing, a trigger point for the retail unit to ensure construction, and Open Space/National Forest Planting and Conservation Management Plans would also need to be included as part of any S106 legal agreement. These aspects are relevant to the proposal and would help mitigate the impact of the development, would meet the Circular policy tests and are CIL compliant.

Should the applicant or agent subsequently advise they are not agreeable to entering into a legal agreement to secure all financial contributions due to viability issues, it is recommended that the right to defer the matter for reconsideration at a future Planning Committee meeting is reserved.

Other Issues

Devaluation of property and loss of view are not material planning considerations. Whilst the preferred route for the High Speed 2 train route has been issued by Central Government for consultation, it is not yet a material planning consideration and cannot be considered as part of this application.

Conclusion

The application site lies in the countryside, outside the Limits to Development of Measham as defined on the Adopted Local Plan Proposals map. The proposed development would result in housing development contrary to the Local Plan but in accordance with the Submission Core Strategy as the application site is an area of growth for residential development in the latter document. A new access off Burton Road would be created to serve the development, and an emergency access would be linked to High Street at the existing former Youth Club site and would be in accordance with the requirements of Policies T3 and T8 of the Adopted Local Plan. The scheme would link to the main sewer and the applicant is agreeable to contribution to the River Mease SAC WQMP DCS. As such, there would be no adverse impact on the River Mease SAC. Ecological, Coalfield and ground instability issues have been addressed, subject to conditions.

As such, the proposed development would not comply with countryside policy of the Adopted Local Plan, but that policy is currently out of date as the Council cannot demonstrate a Sedgefield approach plus 20% buffer calculated 5 year housing land supply. Furthermore, the development would comply with the housing and Measham related Submission Core Strategy policies and national planning guidance. In addition, the benefits of the proposal, including the provision of part of the Ashby Canal and infrastructure, have to be considered in relation to the 5 year housing land supply shortfall issues. In this particular instance it is concluded that the benefits of the proposal along with current policy considerations, in light of the absence of a 5 year housing land supply, outweigh the issue that the proposal would form development in the countryside outside Limits to Development of Measham. On this basis, the application is recommended for approval.

As noted earlier in this report, should the applicant not be agreeable to meeting the financial contribution requests, or alternatively, find themselves in ongoing dispute with the District Valuer in relation to the matter, the District Council would reserve the right to negotiate between the applicant/agent and officers and, should significant disagreements emerge, also reserve the right to report the matter back to Members for further consideration.

RECOMMENDATION - PERMIT subject to the following condition(s) and subject to a S106 agreement in relation to library facilities, highways matters, leisure facilities, River Mease SAC WQMP DCS, affordable housing, implementation of the canal, Open Space/National Forest Planting and Conservation Management Plans and other items arising above - also subject to Natural England final comments which have not been received at the time of writing this report and to the developer being agreeable to the S106 financial contributions:

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

- 2 Approval of the details of the layout, scale, appearance, and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason- This permission is in outline with details of access only.

- 3 *Plans for approval to be listed on the Update Sheet as further information on the emergency access may be forthcoming at the time of writing this report.*
- 4 Notwithstanding the submitted details, no development shall commence on site until representative samples of the materials to be used in all external surfaces have been submitted to and agreed in writing with the Local Planning Authority. The works shall be undertaken in accordance with the approved details and maintained as such.

Reason- To enable the Local Planning Authority to retain control over the external appearance.

- 5 Notwithstanding the details submitted on indicative Masterplan drawings or Landscaping plans no development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, including details of landscaping for the bund at the western boundary. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a five year period from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason- To ensure the satisfactory overall appearance of the completed development, and to ensure an appropriate planting palette within the National Forest.

- 6 No work shall commence on the site until such time as a scheme for protecting the existing trees and hedgerows, identified as being retained, during the construction process has been submitted to and approved by the Local Planning Authority and implemented to its satisfaction. The scheme shall include measures to protect the working area within Root Protection Areas. Such protection as is agreed shall be maintained during the course of development.

Reason- To ensure satisfactory protection of the existing trees and hedgerow in question during the period when construction works take place on the site.

- 7 No work shall commence on the site until such time as a scheme for protecting the existing trees and hedgerows, identified as being retained, during the construction process has been submitted to and approved by the Local Planning Authority and implemented to its satisfaction. The scheme shall include a full tree schedule and appropriate tree retention categories and measures to protect the working area within Root Protection Areas. Such protection as is agreed shall be maintained during the course of development.

Reason- To ensure satisfactory protection of the existing trees and hedgerow in question during the period when construction works take place on the site.

- 8 No works shall commence on site until such a time as a scheme indicating proposed finished floor levels of all buildings and the relationship of such to the existing dwellings surrounding the site, and the base and top levels of the canal, has been submitted to and approved by the Local Planning Authority and the development shall be constructed in accordance with the agreed levels.

Reason- To safeguard the privacy and amenities of the occupiers of adjoining properties and in the interest of visual amenities.

- 9 No development shall commence until a scheme for the insulation of the buildings(s)/erection of barriers against the transmission of noise and vibration from the A42 has been submitted to and agreed in writing with the Local Planning Authority. All works shall be fully implemented in accordance with the approved scheme before occupation, and shall be maintained as such in perpetuity.

Reason- In the interest of residential amenities.

- 10 No development shall commence on site until a full and detailed site investigation and assessment confirming the location and condition of any coal mine entries has been carried out, at the developer's expense, and submitted to the Local Planning Authority. In the event that the site investigations confirm the need for remedial works to treat the mine entries, and/or any other mitigation measures to ensure the safety and stability of the proposed development, no development shall commence on site until details of such works have been submitted to and agreed in writing by the Local Planning Authority and implemented at the site.

Reason- In the interests of safeguarding the proposed development and adjacent properties.

- 11 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use

Reason- To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 12 The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 30th January 2013, Ref: 120616/R001/issue 2 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the 100 year plus 30% for residential, 20% for commercial (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. Section 4.0.

2. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

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

- 13 No development approved by this planning permission shall take place until such time as a scheme to demonstrate the surface water drainage has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include:

- Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
- Limiting the discharge rate and storing the surface water run-off generated by all rainfall events up to the 100 year plus 30% for Residential 20% for Commercial (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% for Residential 20% for Commercial (for climate change) critical rain storm.
- Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters

Reason- To prevent the increased risk of flooding, both on and off site.

14 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason- To ensure that the proposed development does not cause pollution of controlled waters receptors.

15 No occupation of any part of the permitted development shall take place until a

verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons- To ensure protection of controlled waters receptors.

- 16 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons- To protect controlled waters receptors.

- 17 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons- To prevent pollution of controlled waters receptors.

- 18 No construction works, movement of construction traffic, and deliveries to and from the premises, shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

Reason- To safeguard the privacy and amenities of the occupiers of adjoining properties during periods of construction.

- 19 Prior to the first occupation of any dwelling hereby permitted, the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document (6CsDG). Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleway and shared use footway/cycle ways) and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences.

Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.

Reason- To ensure a satisfactory form of development and in the interests of Highway safety.

- 20 Prior to the occupation of the development, an access off Burton Road, a roundabout junction and link (as generally shown on WSPs, drawing number RP-001 Rev. B) shall be completed to the satisfaction of the Highway Authority.

Reason- To ensure adequate form of access to cater for the traffic generated by the

development joining Burton Bridge Road and in the interests of general highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 21 The emergency access road is required to withstand the weight of 12.5 Tons for a standard Fire Appliance and width for two way passing vehicles.
- a) Prior to the commencement of any part of the development hereby permitted, detailed design of the proposed emergency access link with access onto High Street shall be submitted to and approved in writing by the Local Planning Authority.
- b) Prior to first occupation of the development, the approved junction and emergency access link shall be provided in full and available for use.

Reason- To provide vehicular access to the site, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan.

- 22 The gradient of any private access drive shall not exceed 1:12 for the first 6 metres behind the Highway boundary.

Reason- To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

- 23 No walls, planting or fences shall be erected or allowed to grow on the Highway boundary exceeding 0.9 metres in height above the level of the adjacent carriageway.

Reason- To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

- 24 Before first occupation of any dwelling hereby permitted, 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

Reason- In the interests of pedestrian safety.

- 25 Before first occupation of any dwelling hereby permitted, its access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary and shall be so maintained at all times.

Reason- To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.).

- 26 The car parking and any turning facilities shown within the curtilage of each dwelling shall be provided before the dwelling is occupied and shall thereafter permanently remain available for such use.

Reason- To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 27 Before the first occupation of any dwelling, car parking provision shall be made within the development site on the basis of 2 spaces for a dwelling with up to three bedrooms

and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.

Reason- To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

28 Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the Highway boundary and have 2 metres control radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.

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

Reason- To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

29 Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the Highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. The access drive once provided shall be so maintained at all times.

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

Reason- To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

30 Any garage doors shall be set back from the Highway boundary a minimum distance of 5 metres for sliding or roller/shutter doors, 5.6 metres for up-and-over doors or 6 metres for doors opening outwards and thereafter shall be so maintained.

Reason- To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

31 No part of the development, its supports or foundations shall be positioned in, on, over, upon, or within any part of the public highway. The buildings are to be setback 0.5m from the highway to provide clearance from windows opening outwards and surface water drainage pipes from the roof within the curtilage of the property.

Reason- In the general interests of Highway safety.

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

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

33 No development shall take place until a strategy of surface water drainage for the site using sustainable drainage methods has been submitted to and approved in writing by

the Local Planning Authority in consultation with the Highway Authority. The approved development shall be implemented in accordance with the approved strategy prior to the use of the building commencing.

Reason- To ensure that the principles of sustainable drainage are incorporated into this proposal.

- 34 Before the development commences, swept path analyses shall be submitted for refuse vehicle and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority.

Reason- To ensure that large vehicles can manoeuvre within the carriageway without the overhang of vehicle being danger to pedestrians.

- 35 Before the development commences, details of the routing of construction traffic shall be submitted to and approved by the Local Planning Authority (LPA) in consultation with the Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agree in writing by the LPA.

Reason- To ensure that construction traffic associated with the development does not use unsatisfactory roads to and from the site.

- 36 No part of the development as approved shall be brought into use until details of a Residential Travel Plan has been submitted to and agreed in writing by the Local Planning Authority.

The Plan shall address the travel implications of the use of the whole site as if the development approved were to have been fully completed and occupied.

The Plan shall specify facilities and with measurable out put and outcome targets designed to:

- Reduce single occupancy vehicle use, reduce vehicular travel at peak traffic times and reduce vehicle emissions for journeys made for all purposes to and from the developed site,
- Increase the choice and use of alternative transport modes for any journeys likely to be made to and from the developed site and, in particular, to secure increases in the proportion of travel by car sharing, public transport use, cycling and walking modes and the use of IT substitutes for real travel,
- Manage the demand by all users of the developed site for vehicle parking within and in the vicinity of the developed site.

The Plan shall also specify:

- The on-site Plan implementation and management responsibilities, including the identification of a Travel Plan Co-ordinator,
- The arrangements for regular travel behaviour and impact monitoring surveys and Plan reviews covering a period extending to at least one year after the last unit of development is occupied or a minimum of 5 years from first occupation, whichever will be the longer.
- The timescales or phasing programmes for delivery of the Plan's proposals and for the achievement of the specified output and outcome targets, and
- Additional facilities and to be implemented if monitoring shows that the Plan's targets are not likely to be met, together with clear trigger dates, events or threshold levels for invoking these measures.

The Plan, once agreed, shall be implemented in accordance with the approved details, and thereafter, the implementation of the proposals and the achievement of targets of the Plan shall be subject to regular monitoring and review reports to the LPA and, if

invoked, to the implementation of the specified additional measures.

Note: The plan shall make provision for relevant surveys, review and monitoring mechanisms, targets, timescales, phasing programmes and on-site management responsibilities. It shall be implemented and subject to regular review in accordance with the above approved details.

Reason- To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety, improve air quality or increase accessibility in accord with Section 4: 'Promoting Sustainable Transport' of the NPPF 2012.

37 *Any National Forest and/or Ecology related conditions which may be required will be reported on the Update Sheet.*

Notes to applicant

- 1 Planning permission/or approval of reserved matters (delete as appropriate) has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 As of April 6th April 2008 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £85.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.

Erection of 4 no. two-storey (with habitable accommodation in the roof space) dwellings and associated garaging (revised scheme)

Report Item No
A2

191 Loughborough Road Whitwick Coalville Leicestershire

Application Reference
12/01094/FUL

Applicant:
Mr S Hall

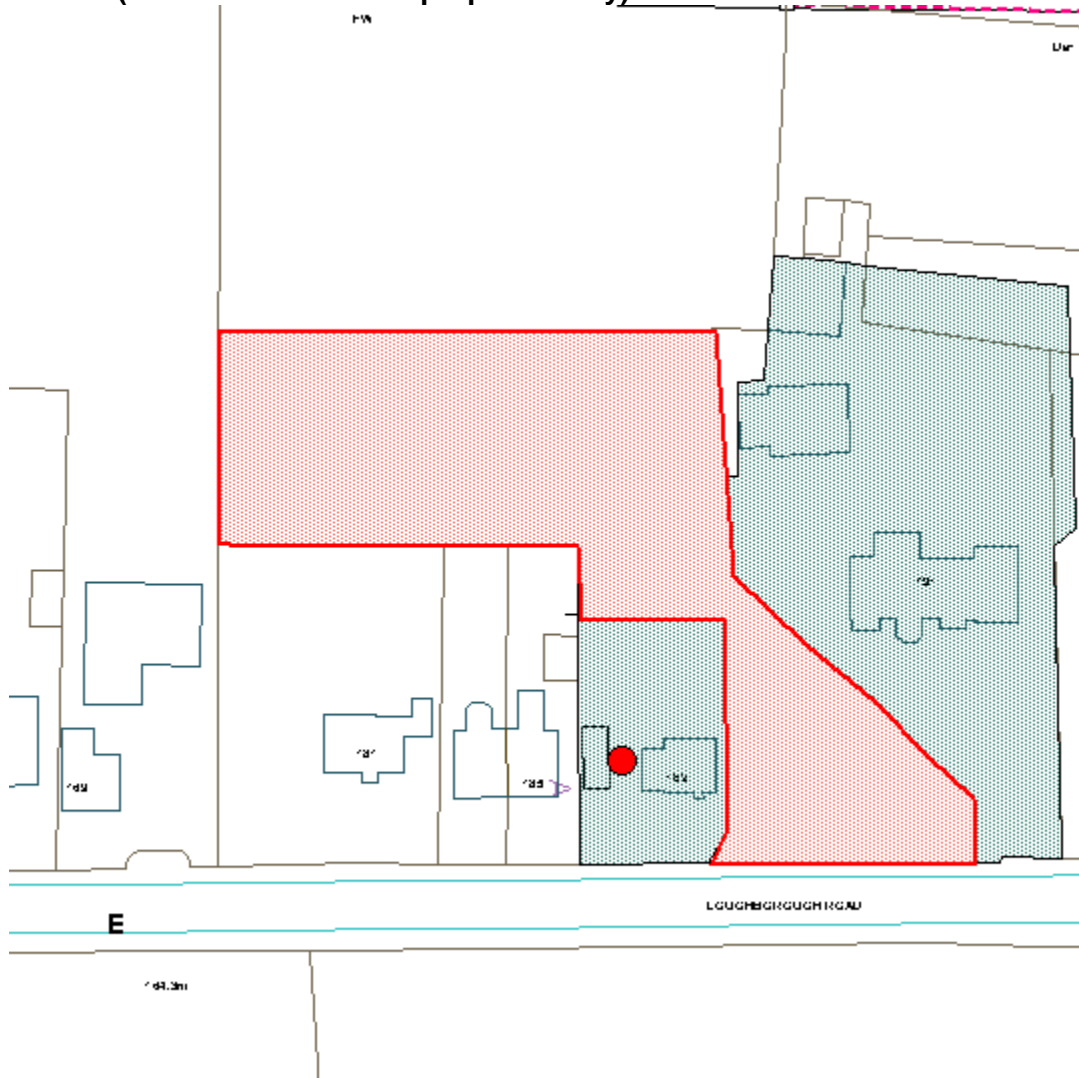
Date Registered
21 December 2012

Case Officer:
Adam Mellor

Target Decision Date
15 February 2013

Recommendation:
PERMIT

Site Location (Plan is for indicative purposes only)



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application has been brought to the Planning Committee at the request of Councillor Woodward due to the potential impacts of the development on the amenities of surrounding residents.

Proposal

The application seeks to obtain planning permission for the erection of 4 no. two-storey detached dwellings (habitable accommodation in the roof space) on 0.325 hectares of land that currently forms part of the gardens and paddock land to No. 191 Loughborough Road, Whitwick. The application site is positioned to the north of Loughborough Road, to the west of its junction with Swannymote Road, and comprises land to the south and north-west of the dwelling at No. 191, as well as land to the north of the dwellings at Nos. 181 - 189 Loughborough Road. The existing property at No. 191 (which is within the applicant's ownership but not within the application site) is a two-storey dwelling set back from the highway by approximately 33.0 metres. The neighbouring dwellings at Nos. 181 - 189 comprise of two-storey detached and semi-detached dwellings that follow a building line much closer to the highway at approximately 10.0 metres.

Consultations

232 letters of representation have been received and Whitwick Parish Council also objects to the application. All other statutory consultees have no objections subject to conditions on any consent.

Planning Policy

It is considered that the development would accord with all relevant policies of the North West Leicestershire Local Plan as well as Paragraphs 14, 49, 53, 57, 60, 61, 103, 118, 120 and 121 of the National Planning Policy Framework (NPPF) and Policies CS7 (Location of Development); C16 (Housing Density); CS21 (Well-Designed Buildings and Places); CS23 (Transport); CS28 (Strategic Green Infrastructure); CS30 (The National Forest) and CS35 (Coalville Urban Area) of the submission version of the North West Leicestershire Local Plan: Core Strategy. Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System) would also be appropriate in any assessment.

Conclusion

The site is located within the limits to development where the principle of residential development would be acceptable and Whitwick would be considered a sustainable settlement for new development given that it would fall within the Coalville Urban Area. The loss of part of the residential garden to No. 191 would also not impact adversely on the streetscape or surrounding area given the amenity area retained and the fact that the land is not be protected open space or countryside. On this basis the development would accord with Paragraphs 14, 49 and 53 of the NPPF, Policy H4/1 of the North West Leicestershire Local Plan and Policy CS7 of the submission version Core Strategy. Although the density of the scheme would be below that recommended within current planning policy as it is important to factor into any assessment good design, landscaping and association with other forms of development it is considered that the density proposed would be acceptable and would accord with Policy H6 of the Local Plan and Policy CS16 of the submission version Core Strategy. It is considered that the heights of the properties now proposed, the distances to existing properties and the fact that they would be 'dug-into' the ground would ensure that the development as a whole would not have a significantly detrimental overbearing, overshadowing or overlooking impact on the amenities of existing residents. An acceptable relationship with the existing property on the site (No. 191) would also be maintained and the Plots themselves would also have acceptable relationships,

as such the scheme as a whole would not conflict with Policy E3 of the Local Plan. It is considered that the proposed dwellings would be read in conjunction with their relationship with No. 191 and as such their floor areas would not be out of keeping with the surroundings. In the circumstances that built forms of development also exist which do not directly front onto Loughborough Road, as well as the fact that the site would be well screened, this would also ensure that the development would not have an adverse impact on the character and appearance of the surrounding area or the streetscape. In these circumstances the development would accord with Paragraphs 57, 60 and 61 of the NPPF, Policies E4, F1 and H7 of the Local Plan and Policies CS21 and CS30 of the submission version Core Strategy. The proposed access road into the site has been considered acceptable by the County Highways Authority and given that sufficient off-street parking would be provided it is considered that the scheme would accord with Policies T3 and T8 of the Local Plan and Policy CS23 of the submission version Core Strategy. No ecological species would be adversely affected which would ensure compliance with Paragraph 118 of the NPPF, Policy CS32 of the submission version Core Strategy and Circular 06/05. The integrity of the protected trees would be retained and a landscaping scheme would be conditioned as part of any consent to ensure compliance with Policies E7, F1, F2 and F3 of the Local Plan and Policies CS28 and CS30 of the submission version Core Strategy. The drainage solution for the site would be agreed with Severn Trent Water and Building Regulations and any solution agreed would be on the basis that it would not exacerbate any localised flooding issues, as such the development would not conflict with Paragraph 103 of the NPPF. It is also anticipated that there would be no land contamination or land instability issues associated with the site which will ensure compliance with Paragraphs 120 and 121 of the NPPF. The development therefore accords with the planning policies stated above.

RECOMMENDATION - APPROVE SUBJECT TO CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of 4 no. two-storey (with habitable accommodation in the roof space) dwellings and associated garaging (revised scheme) on 0.325 hectares of land that currently forms part of the gardens and paddock land to No. 191 Loughborough Road, Whitwick. The application site is positioned to the north of Loughborough Road, to the west of its junction with Swannymote Road, and comprises land to the south and north-west of the dwelling at No. 191, as well as land to the north of the dwellings at Nos. 181 - 189 Loughborough Road. The existing property at No. 191 (which is within the applicant's ownership but not within the application site) is a two-storey dwelling set back from the highway by approximately 33.0 metres. The neighbouring dwellings at Nos. 181 - 189 comprise of two-storey detached and semi-detached dwellings that follow a building line much closer to the highway at approximately 10.0 metres.

The site is located on the northern edge of the village of Whitwick. Loughborough Road comprises of a mix of detached and semi-detached two-storey dwellings on both sides of the road. The properties on the southern side of Loughborough Road do not extend as far east as those on the northern side, and opposite the application site to the south of Loughborough Road lies an area of open land defined in the North West Leicestershire Local Plan as being an area of particularly attractive countryside and outside limits to development. The application site is located within the defined limits to development with the northern boundary abutting the line of the defined limits. To the north of the site lies Cademan Wood, an area also defined on the Local Plan Proposals Map as an area of particularly attractive countryside.

This application is a revised submission following the withdrawal of application reference 12/00292/FUL on the 16th July 2012.

The majority of the site currently comprises areas of open lawn and hard standing with minimal landscaping within the front amenity area to No. 191 (to the south of the dwelling) and open grassed paddock to the north-west of No. 191. Along the highway boundary (southern boundary) are a number of substantial trees of which three (Beech, Lime and Sycamore) are protected by Tree Preservation Order (TPO) 430. A new vehicular access to No. 191 would be constructed and a private access drive would be formed through the site to access the dwellings.

Throughout the course of the application amendments have been made to the dwellings and as such the scheme being assessed would consist of the following: -

Unit 1 would be situated to the east of No. 189 Loughborough Road, with a projection of 2.8 metres beyond this properties northern (rear) elevation, and would have a width of 10.79 metres by 6.29 metres and use of a pitched gable ended roof with an eaves height of 4.6 metres and overall height of 7.5 metres. A single storey extension would project 2.25 metres from the western (side) elevation of the dwelling with a length of 5.85 metres and use of a mono-pitched roof with an eaves height of 2.40 metres and overall height of 4.40 metres. It is indicated on the floor plans that the dwelling would provide an entrance hallway, washroom, utility room, sitting room, study, wood store and breakfast/kitchen area at ground floor level and three bedrooms, family bathroom and en-suite at first floor level for the occupants.

Unit 2 would be situated to the north west of No. 191 and north of No. 189 and would have a width of 14.62 metres by 11.12 metres in length and use of a pitched gable ended roof with an eaves height of 4.0 metres and overall height of 7.9 metres. It is indicated on the floor plans that an integral double garage, study, sitting room, washroom and open plan

breakfast/kitchen/dining area at ground floor level and five bedrooms, family bathroom and en-suite at first floor level would be provided for the occupants.

Unit 3 would be situated to the north-west of No. 191 and to the north of Nos. 183 and 185 and would have a width of 13.27 metres by 8.99 metres in length and would utilise a pitched gable ended roof with an eaves height of 4.0 metres and overall height of 7.8 metres. It is indicated on the floor plans that a utility room, washroom, breakfast/kitchen area, dining area and sitting room at ground floor level and four bedrooms, family bathroom and two en-suites at first floor level would be provided for the occupants.

Unit 4 would be situated to the north-west of No. 191, north of No. 181 and north-east of No. 168 and would have a width of 13.27 metres, length of 12.38 metres and use of a pitched gable ended roof with an eaves height of 3.9 metres and overall height of 7.8 metres. It is indicated on the floor plans that a breakfast/kitchen/dining area, garden room, washroom, sitting room, utility room and study at ground floor level and four bedrooms, family bathroom and en-suite at first floor level would be provided for the occupants.

Unit 3 would have detached garage which would have dimensions of 5.84 metres in width by 5.84 metres in length and use of pitched gable ended roof with an eaves heights of 2.7 metres and overall heights of 5.9 metres. Unit 4 would have a detached garage which would have dimensions of 5.84 metres in width by 5.84 metres in length and use of a pitched hipped roof with an eaves height of 2.7 metres and overall height of 5.9 metres.

A design and access statement, ecological survey and tree report have been submitted in support of the application.

Following the receipt of comments from the County Ecologist a revised ecological survey was requested from the agent for the application. An updated ecological survey was received on the 25th January 2013 and the County Ecologist has been reconsulted on the proposals.

The planning history of the site is as follows

- 97/00354/FUL - Erection of ground and first floor extensions to dwelling - Approved 11th June 1997;
- 03/00276/FUL - Erection of a single storey rear extension and alterations - Approved 10th April 2003;

2. Publicity

178 No neighbours have been notified. (Date of last notification 5 August 2013)

Site Notice displayed 9 January 2013

3. Consultations

Whitwick Parish Council consulted 3 January 2013

County Highway Authority consulted 4 January 2013

Severn Trent Water Limited consulted 4 January 2013

Head of Environmental Protection consulted 4 January 2013

Natural England consulted 4 January 2013

NWLDC Tree Officer consulted 4 January 2013

LCC ecology consulted 4 January 2013

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Leicestershire County Council - Ecology initially objected to the application and stated: *"I can confirm that the ecology report submitted is partially satisfactory (Wildlife Consultants Ltd, Nov 2012) and many of the issues I had previously raised in connection with a previous application (12/00292/FUL) have been addressed; However, one outstanding issue is the survey of the paddocks adjacent to the SSSI, which will be lost to the development. There is still no reference to the SSSI. The Phase 1 Habitat survey information presented is inadequate, and has not been revised in any significant way from the previous report by Wildlife Consultants, dated Nov 2011. One problem is that November is simply too late to do a survey of grasslands - the standard methodology for a Phase 1 Habitat Survey allows surveys between late March and mid-October; I repeat again my views on the previous survey report: 'My chief concern is for the paddocks at the rear of the existing houses, which abut the Grace Dieu and High Sharpley SSSI to the north. These are described as being 'mainly poor grasses.' This statement is unclear; do they mean poor in terms of grazing for ponies, poor in terms of appearance, poor in terms of appearance, poor in terms of species-richness and habitat quality, or what? I find it strange that the presence of the SSSI has not been noted; it is only 70m from the backs of the existing properties on Loughborough Road. There is no evidence that a survey and assessment of these paddocks has been carried out...Until a satisfactory habitat survey of the grassland is carried out, I would like to place a holding objection on this application.' I feel that protected species issues have been dealt with adequately, and the consultants have also carried out proper data search and desk study."* Following the receipt of a revised ecology report the County Ecologist has no objections.

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

Natural England has no objections.

NWLDC - Environmental Protection has no objections.

NWLDC - Tree Officer made the following observations: - *"Unit 1 is shown on the proposed site layout plan approximately 7 metres from the stems of T1 Beech, T2 Lime and T3 Sycamore. Crown spreads are inaccurately represented on the site layout plan and also on the tree survey schedule of the tree report by Wildlife Consultants Ltd; The Root Protection Areas (RPA's) recommend in the tree report are also insufficient and have not been calculated in accordance with BS 5837. All three trees are important and protected by Tree Preservation Order 430 Accurate RPA's are: T1 Beech: 8.5m radius; T2 Lime: 7.7m radius; T3 Sycamore: 7.2m radius; Any drive construction within the RPA would need a method statement specifying "No dig" construction using Geo-cell or similar product in accordance with Arboricultural Practice Note (APN) 12 and BS 5837:2012 paragraph 6.2.3.3. Adjacent building construction levels would have to take new drive levels into consideration; Consideration also needs to be given to living conditions and the effect trees have on daylight and sunlight. The design should avoid unreasonable obstruction of light. Shadow pattern drawings would assist when considering shading and need to be shown on a Tree Constraints Plan. A Tree Protection Plan should specify root protection areas, necessary tree surgery work and methods of tree protection. I consider that the nearest feasible distance for house construction would be 12m from tree stem (T1, T2, T3) to front elevation to provide a sustainable and compatible living environment."* Following the receipt of a revised layout the tree officer has no objections subject to conditions on any consent granted.

Severn Trent Water has no objections.

Whitwick Parish Council initially had no objections to the application, however, following reconsultation on amendments objections are now raised on the basis that *"the development as currently proposed would be contrary to the rural character of this area on the edge of the Charnwood Forest and could set an undesirable precedent; the current height of the properties would be overbearing and over-intensive."*

Third Party Representations

232 No. individual letters of objection have been received which are broken down as follows: -

- 207 No. letters across six different letter templates;
- 2 No. from the occupants of 62 Loughborough Road;
- 2 No. from the occupants of 107 Loughborough Road;
- 2 No. from the occupants of 109 Loughborough Road;
- 5 No. from the occupants of 169 Loughborough Road;
- 2 No. from the occupants of 181 Loughborough Road;
- 3 No. from the occupant of 183 Loughborough Road;
- 1 No. from the occupant of 185 Loughborough Road;
- 2 No. from the occupants of 189 Loughborough Road;
- 1 No. from the occupant of 97 Hermitage Road;
- 1 No. from the occupant of 130 Greenhill Road;
- 1 No. from the occupants of 25 Templars Way;
- 1 No. from a Planning Solicitor acting on behalf of the occupants of Nos. 161, 181, 183, 185 and 189 Loughborough Road;
- 2 No. from unknown addresses;

The objections raised are summarised as follows: -

- *"Ridge heights of the new properties would still be visible from the roadside and wider context and very overbearing and incongruous within the existing building line;"*
- *"Gathering of refuse items on Loughborough Road would be detrimental to the street scene and impact on the amenity of No. 189;"*
- *"Proximity to driveway to the junction with Swannymote Road which has a record of accidents;"*
- *"Loss of openness and countryside in conflict with core planning principles within Paragraph 17 of the NPPF; impact on views from the footpath and further long range views would have an unacceptable landscape and visual impact;"*
- *"As a small scheme no contribution will be made to schools, play areas, health services, public transport or any community facilities and as such further strain will be placed on these facilities;"*
- *"Approval of this application will set a precedent for further backland development along Loughborough Road;"*
- *"Development does not accord with planning policies H7, S2, E3, E4, T3 and T8;"*
- *"Overlooking from the properties;"*
- *"Development changes this side of Loughborough Road into a high density development and not singular detached or semi-detached dwellings that have made this road what it is for many years;"*
- *"Amount of parking appears excessive;"*
- *"Dwellings are of a considerable size and would not be 'affordable';"*
- *"Dwellings will be visually overbearing and are of an inappropriate design for this part of the village;"*
- *"Flooding issues at Nos. 169, 181, 183, 185 and 189 Loughborough Road by virtue of*

- the increased areas of hardstanding and dwellings themselves;"*
- "Impact on trees protected by Tree Preservation Orders by virtue of the positioning of Unit 4;"*
- "Outdoor lighting would impact on amenities;"*
- "Construction noise would be detrimental to amenities and as such should be restricted;"*
- "Site is not within a sustainable location due to the proximity to services and it would not support local facilities;"*
- "Land should be designated as open space or recreational land due to proximity to nearest children's play area;"*
- "Devaluation in properties values;"*
- "Need for blasting of granite rock to excavate channels for drainage would impact on amenities and cause dangers;"*
- "Dwellings do not reflect the character of housing on Loughborough Road given that they are far larger than existing dwellings;"*
- "Dwellings would not provide for local needs;"*
- "Application represents 'garden grab' which is contrary to Local and National Policy;"*
- "Vehicle noise due to the amount of properties and positioning of the access road;"*
- "Changes to protect the trees now means that the windows on Unit 1 are only 13.0 metres from 191 Loughborough and as such the local planning authority must consider the future residents of both Unit 1 and 191 Loughborough Road."*

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Paragraph 35 outlines that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and

- consider the needs of people with disabilities by all modes of transport;

Paragraph 49 outlines that housing applications should be considered in the context of the presumption in favour of sustainable 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;

Paragraph 53 outlines local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area;

Paragraph 57 outlines that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes;

Paragraph 60 outlines that planning policies and decisions should not impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness;

Paragraph 61 outlines that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment;

Paragraph 103 indicates that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere;

Paragraph 118 outlines that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying particular principles;

Paragraph 120 outlines that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account. Where a site is affected by contamination or land instability issues, responsibility for securing safe development rests with the developer and/or landowner;

Paragraph 121 outlines that planning policies and decisions should also ensure that, amongst other things:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

North West Leicestershire Local Plan

Policy S2 of the Local Plan provides that development will be permitted on allocated sites and other land within the Limits to Development, identified on the Proposals Map, where it complies

with the policies of the Local Plan;

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

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

Policy E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows;

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting;

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

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

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

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria;

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services;

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

Policy H7 seeks good quality design in all new housing development;

Submission Version Core Strategy

The District Council considered its response to the Pre-Submission Core Strategy consultation and suggested changes at its meeting of 26 March 2013. The Council resolved, amongst others, to agree the recommended significant changes, to note the delegated minor changes, to agree to a period of consultation on the significant changes, and to agree to submit the Core Strategy to the Secretary of State as soon as possible following consultation. The Submission Core Strategy was subsequently received by the Secretary of State on 24 June 2013. The following Submission Core Strategy policies are considered relevant and, given the stage that the draft Strategy has reached, should be afforded some (but not full) weight in the determination of this application:

Policy CS7 provides that new development, including new facilities and services will be directed to the most sustainable locations in accordance with the settlement hierarchy set out in that policy;

Policy CS15 sets out how new housing will be distributed across the District.

Policy C16 provides that new development should have a layout and built form that makes efficient use of land and complements the built form and character of the area in which it is situated. A minimum density of 30 dwellings per hectare will apply to site areas in excess of 0.3 hectares but the development should not compromise the need for good design under Policy CS21;

Policy CS21 provides that all new development will have to demonstrate how it satisfies the Council's place-making principles;

Policy CS23 requires new development to maximise the efficient use of existing transport facilities in the district as it looks to a lower carbon future;

Policy CS26 provides that new development will be directed towards areas at the lowest risk of flooding within the District;

Policy CS28 advises that the Strategic Green Infrastructure Network, which includes the National Forest, will be protected and enhanced;

Policy CS30 sets out the priorities for the National Forest and that landscaping will be required;

Policy CS32 sets out that new development should protect and enhance the most ecologically sensitive areas and that it should not result in significant harm to the network of local and national ecological features, habitats and designated sites in the District;

Policy CS35 indicates that Coalville Urban Area's role as the main social and economic focus of the North West Leicestershire district will be strengthened by, among other things, provision of at least 4,030 homes by 2031 which will be achieved by development in the Broad Growth Locations and a range of smaller sites across the Coalville Urban Area;

Other Guidance

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

6. Assessment

Principle and Sustainability

The site is located within the limits to development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations. Policy H4/1 of the Local Plan aims to direct new development to sustainable locations and in doing so sets out a sequential approach to the release of housing land. Regard should also be paid to Paragraphs

14 and 49 of the NPPF and Policy CS7 (Location of Development) of the submission version North West Leicestershire Local Plan: Core Strategy.

The application site is currently residential garden and paddock land within Whitwick, which would fall within criterion (c) allocated and other appropriate land within Coalville, with Policy CS7 of the submission version Core Strategy also identifying that the Coalville Urban Area would be the most sustainable location for new development which includes Whitwick. The second section goes on to outline a set of criteria relating to the sustainability of the location. Whilst the site is situated on the periphery of the limits to development the distance of the dwellings to the services and facilities within the Whitwick Local Centre is considered to be acceptable and as such would not preclude the use of other forms of transport in order to access these services. In these circumstances the site is considered to be within a sustainable location within the Greater Coalville settlement and as such would comply with the aims of Policy H4/1 and Policy CS7 of the submission version Core Strategy.

As part of the land constitutes residential garden associated with No. 191, Paragraph 53 of the NPPF would be of relevance which outlines that inappropriate development of residential gardens should be resisted where there is the potential that development would cause harm to the local area. The implications of the development to the character and appearance of the streetscape and surrounding area (as discussed in more detail below) would not be sufficiently detrimental to justify a refusal of the proposal given the fact that the development would be to the rear of the properties fronting onto Loughborough Road (Nos. 181, 183, 185, 189). A sufficient amenity area to the existing property would also be retained and as the dwelling is not protected, nor is the land protected open space or countryside it is considered that the principle of the development would not conflict with the aims of Paragraph 53.

Density

Policy H6 of the North West Leicestershire Local Plan seeks to permit housing development which is of a type and design to achieve as high a net density as possible taking into account factors such as housing mix, accessibility to centres and design. Policy H6 of the North West Leicestershire Local Plan also requires a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services and a minimum of 30 dwellings per hectare elsewhere. The aims of Policy H6 are also reflected in Policy CS16 of the submission version Core Strategy.

With a site area of 0.33 hectares, the proposal would have a density of 12.12 dwellings per hectare. Whilst the density would fall below that advised in Policy H6 (as well as Policy CS16) these policies also identify that it is important to factor into any assessment the principles of good design as well as green space and landscaping requirements. In the circumstances that the Local Authority values good design in its approach to residential development and there would be a need to incorporate a strong landscaping scheme, given the site's setting within the National Forest, it is considered that the density proposed would represent an efficient use of the land. In these circumstances the proposal would not substantially conflict with the principles of Policy H6 and CS16 of the submission version Core Strategy as to warrant a refusal of the planning permission.

Residential Amenity

It is considered that the properties most immediately affected by the proposed development would be Nos. 181, 183, 185 and 189 Loughborough Road, two storey detached and semi-detached dwellings, situated to the south of the site and No. 169 Loughborough Road, a single storey detached dwelling, situated to the south-west of the site.

In formulating an assessment between the application currently under consideration and the

withdrawn application (12/00292/FUL) it is considered necessary to outline the proposed heights of the dwellings in order for a comparison to be made. These would be as follows: -

12/00292/FUL

Plot 1 - Ridge Height = **8.8 metres**; Eaves Height = **6.4 metres**;

Plot 2 - Ridge Height = **8.7 metres**; Eaves Height = **5.4 metres**;

Plot 3 - Ridge Height = **8.7 metres**; Eaves Height = **5.5 metres**;

Plot 4 - Ridge Height = **8.8 metres**; Eaves Height = **5.5 metres**;

12/01094/FUL

Plot 1 - Ridge Height = **7.5 metres**; Eaves Height = **4.6 metres**;

Plot 2 - Ridge Height = **7.9 metres**; Eaves Height = **4.0 metres**;

Plot 3 - Ridge Height = **7.8 metres**; Eaves Height = **4.0 metres**;

Plot 4 - Ridge Height = **7.8 metres**; Eaves Height = **3.9 metres**;

This identifies that the properties have had their ridge heights reduced by around 1.0 metre with the eaves heights being reduced by at least 1.5 metres. In terms of the ridge heights of the properties above ground level application reference 12/00292/FUL proposed that the heights would be **16.95 (Plot 1), 17.43 (Plot 2), 16.83 (Plot 3) and 16.23 (Plot 4)** the current application now proposes that these heights would be **15.83 (Plot 1), 16.30 (Plot 2), 15.70 (Plot 3) and 15.10 (Plot 4)**. The existing property on the site (No. 191) has a ridge height of **18.80** above ground level. With the properties being sunk into the ground this has led to the ridge levels, above ground level, being reduced by over a metre across all the plots with most plots now having ridge heights which would be over 2.0 metres lower than No. 191.

With regards to the distances between Plots 2, 3 and 4 and the properties to the immediate south these would be as follows: -

- Front to rear elevation between Plot 2 and No. 189 Loughborough Road would be **31.4 metres** with Plot 2 being set **17.2 metres** from the northern (rear) boundary of No. 189;
- Front to rear elevation between Plot 3 and No. 185 Loughborough Road would be **28.6 metres** with Plot 3 being set **8.2 metres** from the northern (rear) boundary of No. 185;
- Front to rear elevation between Plot 3 and No. 183 Loughborough Road would be **34.5 metres** with Plot 3 being set **8.7 metres** from the northern (rear) boundary of No. 183;
- Side to rear elevation between Plot 4 and No.181 Loughborough Road would be **34.0 metres** with Plot 4 being set **11.4 metres** from the northern (rear) boundary of No. 181;
- Detached Garage to Plot 4 and rear elevation of No.181 Loughborough Road would be **25.0 metres** with the detached garage being set **0.8 metres** from the northern (rear) boundary of No. 181;

Plot 1 would be set **1.2 metres** from the eastern (side) boundary of No. 189 Loughborough Road and Plot 4 would be set **22.0 metres** from the north-eastern corner of No. 169 Loughborough Road with the detached garage being set **7.2 metres** from the same corner of No. 169.

The District Council's Development Guidelines, which are now out-dated due to the forms of development which can now be constructed without planning permission, specifies that the distance between a principal window of a habitable room and the blank wall of an adjacent dwelling should be no less than 14.0 metres (in the case of two two-storey properties), that a rear elevation to rear elevation distance (or front elevation to rear elevation distance) should be no less than 22.0 metres with the distance between the rear/front elevation of a property and the rear boundary of an adjacent property being 11.0 metres. Although the Development Guidelines may be out-dated in many respects separation distances are still considered to be of relevance

and conform to an accepted national standard,

Although accepting that the land levels rise from the rear elevations of those properties on Loughborough Road to the site, with No. 169 being set at a lower land level than the majority of properties, the section drawing indicates that the properties would be 'dug-into' the ground and this will assist in alleviating their visual massing. In the circumstances that the distances achieved between Plots 2, 3 and 4 and the properties most immediately affected would be well in excess of those contained in the Council's Development Guidelines, even taking into account the differences in land levels, it is considered that a reason for refusal on the basis of a significantly detrimental overbearing or overshadowing impact could not be sustained in this instance given that the proposed relationships exist on numerous sites throughout the District. In terms of the distance between Plot 3 and the rear boundaries of Nos. 183 and 185 it is noted that this would be below the recommended 11.0 metres and as such amendments have been made to Plot 3 to ensure that no habitable room windows exist at first floor level which would cause overlooking concerns, a condition would also be imposed on any consent to ensure that the windows which do exist at first floor level are obscured glazed and non-opening (unless the opening part is more than 1.7 metres above the internal floor level). In the circumstances that the properties on Loughborough Road would be to the south of the site it is also considered that there would be no substantial overshadowing implications.

Plot 1 would project 2.8 metres beyond the two-storey part of the northern (rear) elevation of No. 189, 1.0 metre beyond an existing single storey rear extension, with the western (side) elevation of the single storey side extension being set 1.2 metres from the boundary and the main two-storey western (side) elevation being set 3.4 metres from the boundary. Given the overall projection of Plot 1 beyond the rear elevation of No. 189, as well as the distance of the two-storey element from the boundary, it is considered that it would not have a significantly detrimental overbearing or overshadowing impact on the occupant's amenities. Any views established from the first floor windows of Plot 1 would also be directed to the latter parts of the rear amenity area to No. 189 and as such there would not be a significant overlooking impact.

Plot 4 would be set 9.6 metres from the eastern (side) boundary of No. 169 and given that amendments have been made to ensure that no habitable room windows exist at first floor level in the western (rear) elevation it is considered that there would be no adverse overlooking implications with a condition being imposed to ensure that the window which does exist is obscure glazed. Any view established from the window serving the master bedroom in the southern (side) elevation of the dwelling would also not cause any adverse overlooking impacts given the aforementioned distance to the rear of No. 169 as well as the fact that any view towards the rear amenity area would be at an oblique angle. Although No. 169 lies at a lower land level it is considered that the amendments made to the detached garage, in order to incorporate a hipped roof, would reduce the overbearing impacts on the occupant's amenities given that it would not be directly visible in views established from the property as well as the fact that No.169 benefits from a substantial rear amenity area.

Concerns have been expressed about the potential noise generated by vehicles utilising the access road, however, it is considered that the level of traffic generated by the occupants of Plots 2, 3 and 4 would not be significant and would not be too dissimilar to having a development on a corner site with a road running close to the dwelling and its rear garden, which was considered in an appeal to be an acceptable yardstick for an acceptable standard (Appeal Ref: APP/G2435/A/08/2065885/WF). In any case the road running behind Nos. 181, 183 and 185 would only serve Plot 4 and the road is set away from the rear boundary of No. 189 with a landscaping scheme being proposed between the road and the boundary. A condition would be imposed to ensure that any external lighting proposed for the road and parking areas for the dwellings would be agreed with the Local Planning Authority and a

scheme of boundary treatments for the site would also be conditioned to prevent any adverse implications on the amenities of the properties on Loughborough Road from people utilising the proposed pavement.

With regards to the impacts on any future occupants of the residential properties it is considered that although the dwellings on Loughborough Road would be to the south of Plots 2, 3 and 4 they would be situated a sufficient distance from the elevations of these dwellings to ensure that there is no adverse overbearing and overshadowing impacts. Given the aforementioned distances there would also be no adverse overlooking implications on these Plots. In terms of Plot 1 it is considered that as this property would be set slightly further back than the rear elevation of No. 189 Loughborough Road there would be no adverse overlooking implications and the orientation of the dwelling to this property would also ensure there would not be any significantly detrimental overbearing or overshadowing impacts. No. 191 would be set 13.0 metres to the north-east of the rear elevation of Plot 1 and this distance, as well as the fact that it would not be directly behind the dwelling, would ensure that there would be no adverse overbearing or overshadowing impacts. Although a bay window exists on the front elevation of No. 191 at first floor level, within close proximity to the boundary with Plot 1, the rear amenity area has been designed so that there would be no direct overlooking impacts given that any view would be at an oblique angle, or directed towards the latter part of the rear amenity area should a view be established from the window in the western side of the bay window. In any case should this relationship be deemed inappropriate a condition could be imposed to ensure that the first floor bay window was obscured glazed and had a restricted opening given that it is within the applicant's control.

Plots 1 and 3 would also not impact significantly on the amenities of No. 191 Loughborough Road given the position of these dwellings in relation to the existing dwelling as well as the position of habitable room windows not creating any overlooking implications.

The actual relationships between the Plots would also be acceptable with a distance of 13.8 metres being maintained between the eastern (front) elevation of Plot 4 and the side boundary of Plot 3 to ensure there would not be an adverse overlooking impact.

It is considered that a condition could be imposed on any consent to ensure that a bin store is provided near to the vehicular access of the site to ensure that bins/recycling containers are not distributed in the highway on collection days.

In terms of the objections raised over construction noise it is considered that this is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance as Environmental Health has raised no issues to the development in this regard, it is considered that the imposition of an hours condition would be unreasonable.

Overall the development would not significantly conflict with the principles of Policy E3 of the Local Plan.

Design

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. The site is also

located within the National Forest and as such Policy F1 of the Local Plan as well as Policy CS21 of the submission version Core Strategy would be of relevance.

The application site is sloped with the land along the western boundary being lower than that along the eastern boundary by around 2.2 metres. Residential properties within the immediate vicinity of the site predominately front onto Loughborough Road with the two exceptions being Nos. 169 and 191 Loughborough Road and the dwellings generally consist of detached or semi-detached types. Nos. 183 and 185 Loughborough Road also exhibit high quality in their architectural design including the use of eaves detailing, painted stone headers, mid-course details and chimneys and the majority of properties are set back from the highway to allow off-street parking to be provided to the frontage.

Views of the development site would be established from the entrance to the site off Loughborough Road, although the existing vegetation and protected trees would be retained on either side of the access roads, and public footpath O27 runs through Cademan Wood (to the north of the site) as well as between Nos. 121 and 127 Loughborough Road which lies 139.0 metres to the west of the site. The orientation of Plot 1 had to be altered due to the relationship with the protected trees and whilst the side elevation of Plot 1 would now be presented to the access road amendments have been made to ensure that the property is 'dual fronted' which have enhanced the overall appearance of the scheme. It is also proposed that the stone boundary wall along the site frontage would be continued around the perimeter of Plot 1 which would respect the character of the surrounding area. Although the termination of a vista within the site would be of a detached garage for Plot 4 it is considered that the property itself would still be visible in any view established from the access road and in the circumstances that the position of the dwelling would be compromised by the relationship with neighbouring properties it is considered that this arrangement would be acceptable in this instance and would not compromise the scheme as a whole. The implications of the development on the enjoyment of people utilising public footpath O27 would also not be sufficiently detrimental given that any view established from the north would be of the dwellings fronting Loughborough Road and No. 191 and its associated structures and as such this view would not be substantially altered by the provision of the proposed dwellings and the dwellings themselves would not restrict views onto significant features beyond the site when viewed from the west.

Although the dwellings themselves would not reflect the current building line of properties which, in the majority, front onto Loughborough Road it is considered that built forms of development exist behind these properties, such as Nos. 169 and 191 (and its associated outbuildings) Loughborough Road and the structures to the rear of No. 149 Loughborough Road, and in these circumstances it is considered that the provision of Plots 2, 3 and 4 would not have a significantly detrimental impact on the character of the area to warrant a refusal of the application. It is also considered that an approval of this scheme would not set a precedent for development of a similar nature within the vicinity of the site given that other areas where development of this nature could be proposed are outside the defined limits to development and as such a presumption against residential development exists. In terms of the implications of the development on the appearance of the surrounding area and streetscape it is considered that substantial woodland exists to the north and west of the site, which would restrict views from these areas, and the sections provided indicate that the dwellings would be 'dug into' the ground in order to reduce their visual height with only Plot 4 being substantially prominent due to the overall heights of Nos. 169 and 181 Loughborough Road being lower. Whilst Plot 4 would be visible the gable end of the dwelling would be presented in the direction of the public domain (to a height of 2.5 metres above the ridge of No. 181), which would lessen the visual massing, and in the circumstances that this gable would only be substantially prominent when viewed directly from in front of Nos. 169 and 181 it is considered that the implications of the scheme as a whole would not be significantly detrimental to the appearance of the streetscape or surrounding area

to justify a refusal of the application.

The design of the properties themselves are considered to be acceptable and would include chimneys, eaves and verge detailing and use of headers, which would be in keeping with the positive characteristics of dwellings within the vicinity of the site, as well as timber porches, windows and doors to reinforce the National Forest identity of the dwellings. Although the dwellings would have a larger footprint than those dwellings fronting Loughborough Road it is considered that the dwellings on the site would be read in conjunction with their relationship with No. 191 Loughborough Road, which is larger than those properties on the frontage, and in the circumstances that their scales would not be substantially larger than those within the area, and less than No. 191, the footprint of the dwellings would be acceptable and would not impact significantly on the overall character and appearance of the area. The access road has also been amended to ensure that it would not be of an 'over-engineered' design which has enhanced the aesthetics of this element of this scheme.

Although the materials to be used in the construction of the dwellings have been partially specified in the application forms not all the materials have been noted and as such it is considered that it would be appropriate to condition any planning consent to ensure that samples of the materials to be used are submitted for approval to ensure that appropriate materials are utilised.

Overall the layout, design and scale of the dwellings are considered to be appropriate and would ensure that the development accords with Paragraphs 57, 60 and 61 of the NPPF; Policies E4, F1 and H7 of the Local Plan and CS21 and CS30 of the submission version Core Strategy.

Highway Safety

The County Highways Authority has raised no objections to the proposal subject to appropriate conditions on any grant of planning permission. It is considered that the new vehicular access to serve the site would improve the visibility achieved when looking in an eastern direction (towards the Swannymote Road junction) and sufficient space would exist at the entrance to the site to ensure that vehicles could pull clear of the highway whilst awaiting for another vehicle to exit.

Areas have been provided within the site to allow for vehicles to manoeuvre so that they would exit in a forward direction and sufficient off-street parking would also be provided for each dwelling. Overall, therefore, the development would accord with the principles of Policies T3 and T8 of the Local Plan and Policy CS23 of the submission version Core Strategy.

Ecology

The County Ecologist, as well as Natural England, has raised no objections to the development on the basis of the findings of the submitted Ecology Scoping Survey of the 2nd November 2012 and Ecology Scoping Survey of the 24th January 2013. The surveys concluded that the site is of low ecological value and primarily consisted of species poor grassland, formal lawned areas, a vegetable garden and a few semi mature orchard trees which do not offer roosting opportunities. It is also concluded that the topography of the site would ensure that the Grace Dieu and High Sharpley Site of Special Scientific Interest (SSSI) would not be adversely affected by run-off of excess waters or additional pollutants. On the basis of these findings no mitigation measures would be required. In the circumstances that protected species would not be adversely affected by the proposals it would ensure compliance with Paragraph 118 of the NPPF, Policy CS32 of the submission version Core Strategy and Circular 06/05.

Landscaping and Impact on Trees

Three trees along the southern boundary of the site are protected by Tree Preservation Order (TPO) 430 and the Council's Tree Officer initially raised concerns with regards to the proximity of Unit 1 to these trees. The scheme has been revised so that Unit 1 would now be set 12.0 metres from the tree stems to the protected trees and given that the area under the trees would now be retained as a front garden for Plot 1 there would be no impacts from vehicles parking or structures on the integrity of these trees.

Paragraph 5.11 (1) (ii) of Tree Preservation Orders - A Guide to the Law and Good Practice outlines, amongst other things, that *"layouts may require careful adjustment to prevent trees from causing unreasonable inconvenience, leading inevitably to requests for consents to fell."* Further to this BS 5837:2012 ('Trees in Relation to Design, Demolition and Construction - Recommendations'), which has replaced BS 5837:2005 (Trees in Relation to Construction), indicates that *"layouts sited poorly in relation to retained trees, or the retention of trees of an inappropriate size or species may be resented by future occupiers and no amount of legal protection will ensure their retention or survival."* Although the retained trees are significant in stature, and are located to the south of Plot 1, it is considered that the distance achieved would be satisfactory in ensuring that the occupants amenities would not be adversely affected given that only one first floor habitable room window would face in the direction of the trees, which would also be served by a roof light. This relationship would therefore ensure that there would not be pressure on the trees to be removed.

Given that the trees would be retained and a condition could be imposed to request that a landscaping scheme be agreed it is considered that the development would accord with Policies E7, F1, F2 and F3 of the Local Plan and Policies CS28 and CS30 of the submission version Core Strategy.

Other Matters

It is noted that the application site and the properties within the vicinity of the site do not fall within a Flood Zone. In terms of the representations received relating to drainage issues associated with surface water run-off it is considered that the details of drainage would be dealt with under separate legislation (Building Regulations and Severn Trent Water) and as such any issues relating to how surface water run-off would be managed would be addressed at that time. In the circumstances that the site is not within a Flood Zone it is anticipated that any surface water run-off solution would not further exacerbate any localised flooding issue. As such the development would not conflict with Paragraph 103 of the NPPF.

The Council's Environmental Protection team have raised no objections to the development with regards to ground contamination or land instability and given that the site does not fall within the Coal Mining Referral Area it is considered that the proposals would not lead to land instability issues to neighbouring properties which would ensure compliance with Paragraphs 120 and 121 of the NPPF. Should any future issue arise with regards to land stability then this would be a civil matter between the residential properties affected and the developers of the site.

There is no evidence to suggest that the 'blasting' of granite rock would be required to form the drainage channels and in any case this method of construction would be covered by separate legislation and would not form a material planning consideration. The implications of the development on property values and the right to a view are also not material considerations which can be taken into account in the determination of this application.

Summary Reasons for Granting Planning Permission

The site is located within the limits to development where the principle of residential development would be acceptable and Whitwick would be considered a sustainable settlement

for new development given that it would fall within the Coalville Urban Area. The loss of part of the residential garden to No. 191 would also not impact adversely on the streetscape or surrounding area given the amenity area retained and the fact that the land is not be protected open space or countryside. On this basis the development would accord with Paragraphs 14, 49 and 53 of the NPPF, Policy H4/1 of the North West Leicestershire Local Plan and Policy CS7 of the submission version Core Strategy. Although the density of the scheme would be below that recommended within current planning policy as it is important to factor into any assessment good design, landscaping and association with other forms of development it is considered that the density proposed would be acceptable and would accord with Policy H6 of the Local Plan and Policy CS16 of the submission version Core Strategy. It is considered that the heights of the properties now proposed, the distances to existing properties and the fact that they would be 'dug-into' the ground would ensure that the development as a whole would not have a significantly detrimental overbearing, overshadowing or overlooking impact on the amenities of existing residents. An acceptable relationship with the existing property on the site (No. 191) would also be maintained and the Plots themselves would also have acceptable relationships, as such the scheme as a whole would not conflict with Policy E3 of the Local Plan. It is considered that the proposed dwellings would be read in conjunction with their relationship with No. 191 and as such their floor areas would not be out of keeping with the surroundings. In the circumstances that built forms of development also exist which do not directly front onto Loughborough Road, as well as the fact that the site would be well screened, this would also ensure that the development would not have an adverse impact on the character and appearance of the surrounding area or the streetscape. In these circumstances the development would accord with Paragraphs 57, 60 and 61 of the NPPF, Policies E4, F1 and H7 of the Local Plan and Policies CS21 and CS30 of the submission version Core Strategy. The proposed access road into the site has been considered acceptable by the County Highways Authority and given that sufficient off-street parking would be provided it is considered that the scheme would accord with Policies T3 and T8 of the Local Plan and Policy CS23 of the submission version Core Strategy. No ecological species would be adversely affected which would ensure compliance with Paragraph 118 of the NPPF, Policy CS32 of the submission version Core Strategy and Circular 06/05. The integrity of the protected trees would be retained and a landscaping scheme would be conditioned as part of any consent to ensure compliance with Policies E7, F1, F2 and F3 of the Local Plan and Policies CS28 and CS30 of the submission version Core Strategy. The drainage solution for the site would be agreed with Severn Trent Water and Building Regulations and any solution agreed would be on the basis that it would not exacerbate any localised flooding issues, as such the development would not conflict with Paragraph 103 of the NPPF. It is also anticipated that there would be no land contamination or land instability issues associated with the site which will ensure compliance with Paragraphs 120 and 121 of the NPPF. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

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

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

- 2 This development shall be implemented in accordance with the site location plan (1:1250); HMD/PD/0255/04; HMD/PD/0255/05 and HMD/PD/0255/010, received by the Local Authority on the 21st December 2013, drawing numbers HMD/PD/0255/08.A and HMD/PD/0255/09.A, received by the Local Authority on the 28th March 2013, the location plan showing the position of the sections, received by the Local Authority on the

27th June 2013, and drawing numbers HMD/PD/0255/01.B; HMD/PD/0255/02.B; HMD/0255/03.B; HMD/PD/0255/06.A; HMD/PD/0255/07.A; HMD/PD/0255/011 and HMD/PD/0255/012.A, received by the Local Authority on the 3rd September 2013, unless otherwise required by another condition of this permission.

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

- 3 Notwithstanding the details shown on the approved plans, no development shall commence until a schedule of external materials and brick bonds to be used in the new dwellings and external finishes to the window and door units have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details which shall thereafter be so retained.

Reason - to enable the Local Planning Authority to retain control over the external appearance, in the interests of the amenities of the area.

- 4 Notwithstanding the details shown on the approved plans, no development shall commence until detailed drawings (including cross-sections) of porches, dormer windows, projecting bay windows, oriel windows, roof lights and window and door units (including heads and cills) to be used in the new dwellings to a scale of 1:10 have been submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details which shall thereafter be so retained.

Reason - to enable the Local Planning Authority to retain control over the external appearance as no precise details have been submitted.

- 5 No development shall commence on site until the positioning and treatment of utility boxes and details of rainwater goods including external finishes have been submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details which shall thereafter be so retained.

Reason - in the interests of neighbouring amenities and the visual amenities of the locality.

- 6 Notwithstanding the details shown on the approved plans, no development shall commence on site until detailed drawings of the chimney stacks and eaves/verge detailing to the properties have been submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details which shall thereafter be so retained.

Reason - to enable the Local Planning Authority to retain control over the external appearance as no precise details have been submitted.

- 7 Notwithstanding the details showed on the approved plans before first occupation/use of the dwellings, hereby approved, a scheme of a soft and hard landscaping scheme (including for retention of existing trees and hedgerows) and boundary treatment scheme for the site (with the detailed design, height and brick bond for the boundary walls to a scale of 1:10 being provided, and including retaining walls), shall be submitted to and agreed in writing by the Local Planning Authority. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the first occupation/use of the dwelling unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The approved hard landscaping and boundary treatment schemes shall be provided in full prior to the occupation of any of

the dwellings unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be so retained.

Reason - to ensure a satisfactory landscaping scheme is provided within a reasonable period and in the interests of visual amenity given the site's location in the National Forest.

- 8 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason- to provide a reasonable period for the replacement of any trees.

- 9 No development shall commence on site until details of the location and design of a bin collection area have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed scheme which shall thereafter be so retained.

Reason - to ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity and highway safety.

- 10 No external lighting shall be installed to the access road or the driveways and parking and turning areas of the new dwellings unless details of the position, height and type of lights have first been submitted to and agreed in writing by the Local Planning Authority. The external lighting shall be installed and operated in accordance with the agreed scheme.

Reason - in the interests of residential amenities.

- 11 Notwithstanding the provisions of Classes A, B, C and E of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the new dwellings, and the detached garage serving Plot 4, shall not be enlarged, improved or altered nor shall any building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse be provided within the curtilage of the new dwellings unless planning permission has first been granted by the Local Planning Authority.

Reason- To enable the Local Planning Authority to retain control over future development in view of the site's location and relationship with residential properties.

- 12 The windows serving the first floor family bathroom and galleried landing in the southern (front) elevation of Plot 3 and first floor family bathroom in the western (rear) elevation of Plot 4 shall be glazed with obscure glass, to Pilkington Standard 3 or its equivalent, and non-opening, unless the opening part is more than 1.7 metres above the internal floor level of the room in which the window is installed, and once provided the windows shall thereafter be so maintained.

Reason - in the interests of residential amenities.

- 13 Before first occupation of any dwelling on the site the following shall be provided: -
- A drainage scheme within the site such that surface water does not drain into the public

highway;

- 4.0 metre control radii on both sides of the vehicular access;
- Visibility splays of 2.4 metres by 90.0 metres at the junction of the access with Loughborough Road which shall be in accordance with the standards contained in the current County Council design guide.

Once provided the measures shall thereafter be so retained in perpetuity with nothing being allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reasons - to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users; to enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway; to afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

- 14 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as the open inwards only.

Reason - to enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

- 15 The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.

Reason - to enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

- 16 The existing vehicular access to No. 191 that becomes redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority within one month of the new access being brought into use.

Reason - to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

- 17 No development shall commence on site until protective fencing for the trees protected by Tree Preservation Order (TPO) 430 has been provided in accordance with the details specified on drawing number HMD/PD/0255/01.B, received by the Local Authority on the 3rd September 2013, and as stated in the document titled '*Tree protection will be provided throughout the construction period supported via planning conditions*', received by the Local Authority on the 21st December 2012. The protective fencing shall be kept in place until all works relating to the development proposals are complete.

Reason - in the interest of health and safety and the amenity value of the trees protected by Tree Preservation Order 430.

- 18 There shall be no storage of materials, plant, skips, equipment and/or other items

associated with the development hereby approved, mixing of materials, vehicular movements or fires or other ancillary works associated within any of the areas bounded by the protective fencing.

Reason - in the interests of health and safety and the amenity value of the trees protected by Tree Preservation Order 430.

Notes to applicant

- 1 Planning permission been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 The proposal is situated in excess of 45.0 metres from the highway. In order to cater for emergency vehicles the drive and turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.
- 4 This planning permission does NOT allow the applicant to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Highways Manager. For further information, including contact details, you are advised to visit the County Council website as follows: -
For 'major' accesses - see Part 6 of the "6Cs Design Guide (Htd) at www.leics.gov.uk/Htd.
For minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.
- 5 The highway boundary is the wall fronting the premises and not the edge of the carriageway/road.
- 6 The proposed roads do not conform to an acceptable standard for adoption and therefore they will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 3057198.
- 7 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.
- 8 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the

PLANNING APPLICATIONS- SECTION A

need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk.

Erection of two storey side extension and single storey rear extension (Including Demolition of existing detached garage) to form integral garage, en suite bedroom (Enlarged) and new Kitchen/Dining Room

Report Item No
A3

Woodlands Main Street Wilson Melbourne

Application Reference
13/00605/FUL

Applicant:
Mr John Rochester

Date Registered
1 August 2013

Case Officer:
Adam Mellor

Target Decision Date
26 September 2013

Recommendation:
PERMIT

Site Location (Plan is for indicative purposes only)



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application has been brought to the Planning Committee at the request of Councillor Rushton due to the concerns expressed by neighbouring residents.

Proposal

Planning permission is sought for the erection of two-storey side extension and single storey rear extension (including demolition of existing detached garage) to form integral garage, en-suite bedroom (enlarged) and new kitchen/dining room at Woodlands, Main Street, Wilson. Woodlands is a two-storey detached dwelling situated on the north-western side of the street, where it is set back 8.7 metres from the pedestrian footway.

Consultations

One letter of representation has been received from the occupant of Dunstanburgh. The Parish Council and all other statutory consultees have no objections.

Planning Policy

It is considered that the development would accord with all relevant policies of the North West Leicestershire Local Plan as well as Paragraphs 131 and 137 of the National Planning Policy Framework (NPPF) and CS21 (Well-Designed Buildings and Places); CS23 (Transport) and CS34 (Conserving and Enhancing the Historic Environment) of the submission version North West Leicestershire Local Plan: Core Strategy.

Conclusion

The site is situated within the defined limits to development where the principle of this form of development would be acceptable. Given the present relationship with neighbouring properties and the overall scale and design of the extensions it is considered that they would not impact significantly on the amenities of neighbours, in terms of overbearing, overshadowing or overlooking impacts, and as such the development would accord with Policy E3 of the Local Plan. It is considered that the proposed extensions would be subservient to the host property and would not have a significantly detrimental impact on the character of the property or the setting of the conservation area given the set back of the dwelling from the highway and the relationship with neighbouring properties. The surrounding area would also not be adversely affected by the proposals given the scale and position of the extensions. On this basis the development would accord with Paragraphs 131 and 137 of the NPPF, Policy E4 of the Local Plan and Policies CS21 and CS34 of the submission version Core Strategy. Sufficient off-street parking would be retained for the dwelling and space exists within the site to ensure that vehicles can manoeuvre in order to exit the site in a forward direction, as such the development would accord with Policies T3 and T8 of the Local Plan and Policy CS23 of the submission version Core Strategy. Given the amount of vegetation which would be retained on the site it is considered that the loss of the three trees would not have a significantly detrimental impact on the visual amenities of the surrounding area, and in any case the trees would not be appropriate to the sites context, and as such the proposal would not conflict with Policy E7 of the Local Plan. The development therefore accords with the planning policies stated above.

RECOMMENDATION - APPROVE SUBJECT TO CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of two-storey side extension and single storey rear extension (including demolition of existing detached garage) to form integral garage, en-suite bedroom (enlarged) and new kitchen/dining room at Woodlands, Main Street, Wilson. Woodlands is a two-storey detached dwelling situated on the north-western side of the street, where it is set back 8.7 metres from the pedestrian footway. An existing vehicular access into the site provides off-street car parking and access to a detached garage. The site is situated within the defined limits to development, as identified in the North West Leicestershire Local Plan, and the surrounding area is predominately residential with properties varying in their type and design. The boundaries of the Wilson Conservation Area lie to the immediate north and east of the site.

As part of the works an existing single storey detached garage, to the north-west of the rear of the property, along the boundary with Dunstanburgh would be demolished.

The proposed single storey rear extension would project 5.0 metres from the southern part of the north-western (rear) elevation with a width of 6.5 metres and use of a pitched gable ended roof with an eaves height of 3.2 metres on the north-eastern elevation and 2.2 metres on the south-western elevation (due to the differences in ground levels) and overall height of 3.5 metres. It is indicated on the floor plans that this extension would provide a living/dining/kitchen area for the occupants.

The two-storey side extension would project 3.8 metres from the north-eastern (side) elevation, with a length of 8.4 metres and use of a hipped roof with an eaves height of 2.8 metres on the south-eastern (front) elevation and 4.3 metres on the north-western (rear) elevation and overall height of 7.2 metres. A dormer window would project 3.0 metres from the south-eastern (front) elevation of the extension, with a width of 2.0 metres and use of a pitched gable ended roof with an eaves height of 1.5 metres and overall height of 2.4 metres. It is indicated on the floor plans that the extension would provide a garage, porch, utility room and shower room at ground floor level and bedroom, en-suite and enlarged bathroom at first floor level for the occupants.

No previous planning history was found.

2. Publicity

3 Neighbours have been notified (Date of last notification 5 August 2013)

Site Notice displayed 8 August 2013

Press Notice published 14 August 2013

3. Consultations

Clerk To Breedon on the Hill Parish Council consulted 5 August 2013

County Highway Authority consulted 6 August 2013

NWLDC Conservation Officer consulted 6 August 2013

4. Summary of Representations Received

The following summary of representations is provided.

Breedon on the Hill Parish Council has no objections.

Leicestershire County Council - Highways has no observations.

NWLDC - Conservation Officer has verbally confirmed that no objections to the application are raised.

Third Party Representations

One letter of representation has been received from the occupants of Dunstanburgh who object to the application on the following grounds: -

- *"Policy E3 of the Local Plan, the proposed development would be significantly detrimental to the present amenities we enjoy by reason of its scale, height, mass, oppressiveness and proximity of the proposed two-storey side extension. This is made worse by the difference in levels of the properties;"*
- *"The proposed does not comply with the Development Guidelines published by N.W Leics District Council in the section "Extensions to Dwellings" A2. Paragraphs (d) and (g) i.e:*
- *The extension as proposed would result in a distance of less than 2 metres from a bedroom window in our property and distances of less than the 14 metres specified to windows of ground (not shown on plans) and first floor habitable rooms. The windows affected are south facing and contribute most the light to these rooms;*
- *The proposed extension would almost eliminate the gap between the properties to the detriment of the street scene on the very edge of a Conservation Area. 'Dunstanburgh' is designated as a non-listed building of interest. Gaps between other dwellings in this part of the village allow views through and beyond to the rural environment in the middle distance;"*
- *"Woodlands' has already a two-storey side extension so the proposal would in effect be an extension of an extension;"*
- *"Access to the rear of our property would be restricted for future maintenance by the proximity of the proposed side extension;"*
- *"We have no objection to the proposed rear extension or the demolition of the existing garage provided the applicant retains the N.E. wall of the garage which acts as a boundary between the two properties or provides a mutually acceptable substitute."*

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF (Para 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Paragraph 131 outlines that in determining planning applications, local planning authorities should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 137 outlines that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

North West Leicestershire Local Plan

Policy S2 of the Local Plan provides that development will be permitted on allocated sites and other land within the Limits to Development, identified on the Proposals Map, where it complies with the policies of the Local Plan;

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

Policy E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

Policy E7 requires that development schemes incorporate, wherever possible, existing features such as trees or hedgerows where it is necessary or desirable to retain them;

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

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria;

Submission Version Core Strategy

The District Council considered its response to the Pre-Submission Core Strategy consultation and suggested changes at its meeting of 26 March 2013. The Council resolved, amongst others, to agree the recommended significant changes, to note the delegated minor changes, to agree to a period of consultation on the significant changes, and to agree to submit the Core Strategy to the Secretary of State as soon as possible following consultation. The Submission Core Strategy was subsequently received by the Secretary of State on 24 June 2013. The following Submission Core Strategy policies are considered relevant and, given the stage that the draft Strategy has reached, should be afforded some (but not full) weight in the determination of this application:

Policy CS21 provides that all new development will have to demonstrate how it satisfies the Council's place-making principles;

Policy CS23 requires new development to maximise the efficient use of existing transport facilities in the district as it looks to a lower carbon future;

Policy CS34 requires the historic environment to be conserved and enhanced;

6. Assessment

Residential Amenity

It is considered that the properties most immediately affected by the proposed development would be Dunstanburgh, a two-storey detached property, situated to the north-east of the site and Bunnyruff, a single storey detached property, situated to the south-west of the site.

Dunstanburgh lies to the north-east of the site, at a lower land level, and at present a two-storey elevation of the property and 2.3 metre high wall form the shared boundary between the properties. Woodlands is orientated so that south-eastern (front) elevation is farther from the boundary than the north-western (rear) elevation and as such the two-storey extension would be set 1.65 metres (at its closest point) and 2.5 metres (at its farthest point) from the boundary. Habitable room windows exist at ground and first floor level in the southern elevation of Dunstanburgh but the majority of the rooms are also served by windows on the northern elevation and western elevation. Although a habitable room window (bedroom) exists at first floor level on the southern elevation of Dunstanburgh, within the part of the dwelling that constitutes part of the shared boundary, it is noted that the room is also served by a window on the western elevation. Although it is considered that the extension would potentially have an overbearing impact on the amenities of Dunstanburgh, given its proximity, this impact would not be sufficiently detrimental to justify a reason for refusal given that the extension has been designed to have a hipped roof and the room impacted on is served by another window. It is also considered that there would be no significant overshadowing impacts given that the existing property is greater in height than the proposed extension as well as the use of a hipped roof on the proposal. The other windows on the southern elevation of Dunstanburgh would not be adversely affected by the development given their position in relation to the extension. The roof lights at first floor level in the extension would be set a sufficient height above the internal floor level of the room in order to avoid overlooking impacts and no other windows on the two-storey extension would cause significant issues in this respect. The single storey extension would be set a sufficient distance from Dunstanburgh to ensure there would be no adverse impacts on the occupant's amenities.

Bunnyruff is set 2.6 metres from the shared boundary and the south-western (side) elevation of the single storey extension would form the boundary treatment. Bunnyruff is set at a slightly higher land level and the rear elevation is set 1.1 metres further back than that of Woodlands. The single storey rear extension would have a projection of 3.6 metres beyond the rear elevation of Bunnyruff and given this projection, the overall height of the single storey extension and the orientation of Bunnyruff to Woodlands it is considered that it would not have a significantly detrimental overbearing or overshadowing impact on the occupant's amenities. No windows are proposed the side elevation of the extension which would cause overlooking implications and a condition could be imposed to restrict the insertion of windows into the elevation facing Bunnyruff in order to prevent any future impacts. The two-storey extension would not project beyond the existing north-western (rear) elevation of Woodlands and as such would not impact on the amenities of Bunnyruff.

Although quotes from the Council's Development Guidelines have been used to form the basis of an objection it is considered that these guidelines, in many respects, are out dated given the forms of development which could be constructed without planning permission. As they are simply 'guidelines' this would require each application to be assessed on its own merits taking into account the site context and existing relationships. In this particular circumstance a habitable room impacted on is served by another window which would assist in negating the potential impacts of the development given its proximity as well as the relationship with the present dwelling.

Overall the development proposals would accord with Policy E3 of the Local Plan.

Impact on the Historic Environment and Streetscape

The Council's Conservation Officer has assessed the development proposals and has raised no objections. Although Dunstanburgh may be considered a 'non-designated heritage asset' by the NPPF it is considered that the principle features of the building which would contribute to any 'interest' would not be obscured by the proposed extension. The set back of Woodlands from the public highway, as well as the position of the two-storey extension, would also ensure that the development form would not be prominent in views 'into' or 'out of' the conservation area. In these circumstances the historic significance of the setting of the heritage asset would be preserved.

With regards to the impacts on the existing property it is considered that the two-storey side extension would be a subservient addition to the property which would not impact significantly on its character given the use of a hipped roof and the dormer form reflecting the existing gable ended design of the property. The single storey rear extension would also be a subservient development form which would not impact significantly on the properties character.

In terms of the streetscape and surrounding area it is considered that the proposed extension would not be prominent in views from the public domain given that it would not project significantly beyond the properties south-eastern (front) elevation and the position of Dunstanburgh would also obscure views. It is also considered that no terracing effect would be established given that a hipped roof would be utilised, a gap to the boundary would be maintained, Woodlands is set a considerable distance from the public highway and the design and form of Dunstanburgh being different to Woodlands. As the single storey extension would be to the rear of the property it would not be prominent on views from the public domain.

It is the applicant's intentions to utilise materials which would respect the characteristics of the dwelling and streetscape and the use of these materials would ensure that there would be no adverse impacts on the surroundings. Overall the design, scale and appearance of the extensions would be acceptable and would accord with Paragraphs 131 and 137 of the NPPF, Policy E4 of the Local Plan and Policies CS21 and CS34 of the submission version Core Strategy.

Highway Safety

The County Highways Authority has raised no objections to the development on the basis of the information submitted. The plans indicate that no alterations would be made to the vehicular access and although the existing detached garage would be demolished the proposed extension would incorporate an integral garage. The clearance of vegetation to the site frontage would also provide additional space for vehicular parking and vehicles would be able to manoeuvre within the site to ensure that they exit in a forward direction. On this basis the development would accord with Policies T3 and T8 of the Local Plan and Policy CS23 of the submission version Core Strategy.

Other Matters

It is proposed that an area of vegetation and three trees (two to the site frontage and one to the rear) would be removed to facilitate the development. The trees, although significant in stature, are not appropriate for the site context, given their relationship with residential properties, and would not be worthy of retention by the issuing of a Tree Preservation Order (TPO) given the species type. On the basis that vegetation would be retained to the site frontage and to the rear it is considered that the removal of three trees and the small area of vegetation would not be sufficiently detrimental to the visual amenities of the area to warrant a refusal of the application. In the circumstances that vegetation would be retained it is considered that the development

would accord with the principles of Policy E7 of the Local Plan.

In terms of the objections raised which have not been assessed above it is considered that separate consent would not be required for the demolition of the garage and as such the Local Authority could not impose any condition which would require the establishment of a new boundary treatment. In any case the occupant of Dunstanburgh could erect a boundary treatment up to a height of 2.0 metres on land within their ownership should there be any concerns with the loss of the garage.

Summary Reasons for Granting Planning Permission

The site is situated within the defined limits to development where the principle of this form of development would be acceptable. Given the present relationship with neighbouring properties and the overall scale and design of the extensions it is considered that they would not impact significantly on the amenities of neighbours, in terms of overbearing, overshadowing or overlooking impacts, and as such the development would accord with Policy E3 of the Local Plan. It is considered that the proposed extensions would be subservient to the host property and would not have a significantly detrimental impact on the character of the property or the setting of the conservation area given the set back of the dwelling from the highway and the relationship with neighbouring properties. The surrounding area would also not be adversely affected by the proposals given the scale and position of the extensions. On this basis the development would accord with Paragraphs 131 and 137 of the NPPF, Policy E4 of the Local Plan and Policies CS21 and CS34 of the submission version Core Strategy. Sufficient off-street parking would be retained for the dwelling and space exists within the site to ensure that vehicles can manoeuvre in order to exit the site in a forward direction, as such the development would accord with Policies T3 and T8 of the Local Plan and Policy CS23 of the submission version Core Strategy. Given the amount of vegetation which would be retained on the site it is considered that the loss of the three trees would not have a significantly detrimental impact on the visual amenities of the surrounding area, and in any case the trees would not be appropriate to the sites context, and as such the proposal would not conflict with Policy E7 of the Local Plan. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

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

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

- 2 The development shall be carried out in strict accordance with drawing numbers E001 and E002, received by the Local Authority on the 1st August 2013, and drawing numbers P001 Revision A; P002 Revision A; P003 Revision A and P004 Revision A, received by the Local Authority on the 19th September 2013, unless otherwise required by another condition of this permission.

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

- 3 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority.

Reason - to ensure a satisfactory standard of external appearance.

- 4 Notwithstanding the provisions of Part 1 of Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order) no window or opening (other than any that may be shown on the approved drawings) shall be formed in the north-eastern (side) elevation of the two-storey side extension or south-western (side) elevation of the single storey rear extension unless planning permission has first been granted by the Local Planning Authority.

Reason - to avoid the possibility of overlooking in the interests of preserving the amenities of residents.

- 5 The roof lights in the north-eastern (side) elevation of the two-storey side extension shall be set a minimum of 1.7 metres above the internal floor level of the room in which the windows are installed and shall thereafter be retained unless planning permission has first been granted by the Local Planning Authority.

Reason - to avoid the possibility of overlooking in the interests of preserving the amenities of residents.

- 6 At least two off-street parking spaces, one of which may be within the garage, with minimum dimensions of 5.5 metres in length by 2.4 metres in width shall be provided before first use of the development hereby permitted and once provided shall thereafter be so maintained.

Reason - in the interests of highway safety.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £28.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.

SECTION B- OTHER MATTERS

There are no items in this section

LIST OF APPLICATIONS FOR PLANNING COMMITTEE 1 October 2013

Section A – Planning Applications

Item	Reference	Details	Amend	Print	Sign	Sent
A1	13/00141/OUT M					
A2	12/01094/FUL					
A3	13/00605/FUL					

Section B – Other Matters

Item	Reference	Details	Amend	Print	Sign	Sent
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