

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 6 January 2015
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3. MINUTES	
To confirm and sign the minutes of the meeting held on 2 December 2014.	3 - 16
4. PLANNING APPLICATIONS AND OTHER MATTERS	
Report of the Head of Planning and Regeneration.	17 - 78



Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	10/00775/OUTM: Erection of up to 24 dwellings (Outline-all matters reserved) Land At Kane Close Coalville Leicestershire LE67 3RF	PERMIT subject to a Section 106 Agreement	21 - 44
A2	14/00875/FUL: Demolition of Public House and change of use of land to a residential mobile home park Navigation Inn 166 Spring Cottage Road Overseal Swadlincote	PERMIT	45 - 56
A3	14/01006/FUL: Erection of two semi-detached dwellings and associated works (re-submission of 11/00160/FUL) 15 Ashby Road Donisthorpe Swadlincote Derby	PERMIT	57 - 68
A4	14/00980/FUL: Erection of part two storey, part single storey side and rear extensions to farm workers dwelling The Orchard Nottingham Road Ashby De La Zouch Leicestershire	PERMIT	69 - 78

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 2 DECEMBER 2014

Present: Councillor D J Stevenson (Chairman)

Councillors G A Allman, J Bridges, J Cotterill (Substitute for Councillor M Specht), J G Coxon, D Everitt, T Gillard, J Houlton, D Howe, R Johnson, G Jones, J Legrys, T Neilson, N Smith, R Woodward and M B Wyatt

In Attendance: Councillors D De Lacy, J Geary, P Hyde, T J Pendleton and S Sheahan

Officers: Mr S Bambrick, Mrs V Blane, Mr C Elston, Mrs H Exley, Mr J Knightley, Mr J Mattley, Mrs M Meredith, Mr J Newton and Ms S Worrall

77. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Adams and M Specht.

78. DECLARATION OF INTERESTS

In accordance with the Code of Conduct, Members declared the following interests:

Councillors J Bridges and G Jones declared a non pecuniary interest in item A1, application number 14/00460/OUTM, as an acquaintance of the applicant.

Councillors G A Allman, J G Coxon, J Houlton, G Jones declared a non pecuniary interest in item A1, application number 14/00460/OUTM, as Members of Ashby Town Council.

Councillor N Smith declared a pecuniary interest in item A1, application number 14/00460/OUTM, as a friend and business associate of the applicant's family. He emphasised that he had no financial interest whatsoever in respect of this application.

Councillor D Howe declared a non pecuniary interest in item A3, application number 14/00893/FULM, as an active emh group shareholder.

Councillor J Legrys declared a non pecuniary interest in item A3, application number 14/00893/FULM, as a volunteer at Hermitage FM which was located adjacent to the site.

Councillor M B Wyatt declared a non pecuniary interest in item A3, application number 14/00893/FULM, having lobbied to have the building demolished.

Councillor R Johnson declared a non pecuniary interest in item A4, application number 13/00956/OUTM, as a Member of Hugglescote and Donington le Heath Parish Council.

Members declared that they had been lobbied without influence in respect of various applications as below:

Item A1, application number 14/00460/OUTM
Councillors, J Cotterill, J G Coxon, D Everitt, J Houlton, D Howe, R Johnson, J Legrys, T Neilson, D J Stevenson and M B Wyatt.

Item A2, application number 14/00578/OUTM
Councillors G A Allman J Cotterill, J G Coxon, D Everitt, T Gillard, J Houlton, T Neilson, D J Stevenson and M B Wyatt.

Item A3, application number 14/00893/FULM
Councillors J Legrys and D J Stevenson.

Item A4, application number 13/00956/OUTM
Councillors G A Allman, J Cotterill, D Everitt, T Gillard, R Johnson, J Legrys, T Neilson, D J Stevenson, R Woodward and M B Wyatt.

Item A6, application number 14/00862/FULM
Councillors G A Allman, J G Coxon, J Houlst and D J Stevenson.

79. MINUTES

Consideration was given to the minutes of the meeting held on 4 November 2014.

It was moved by Councillor J Legrys, seconded by Councillor G Jones and

RESOLVED THAT:

The minutes of the meeting held on 4 November 2014 be approved as a correct record and signed by the Chairman.

80. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Head of Planning and Regeneration, as amended by the update sheet circulated at the meeting.

81. A1

14/00460/OUTM: RESIDENTIAL DEVELOPMENT (UP TO 81 DWELLINGS), ASSOCIATED OPEN SPACE (INCORPORATING COMMUNITY INFRASTRUCTURE), DRAINAGE INFRASTRUCTURE (OUTLINE - ACCESS INCLUDED)

Land Adjacent To Blackfordby House Farm Butt Lane Blackfordby

Officer's Recommendation: PERMIT Subject to a Section 106 Agreement

Having declared a pecuniary interest in item A1, Councillor N Smith left the meeting during consideration of this item and took no part in the consideration or voting thereon.

The Senior Planning Officer presented the report to Members.

Mrs D Whetton addressed the meeting on behalf of the Town Council. She stated that the Town Councillors had been consulted on the original application earlier in the year and had objected to the proposals. She added that this application had subsequently been amended with no opportunity to comment. She felt that the Town Council's objections were still applicable and the issues had not been addressed. She stated that the site was outside the limits to development, was unsustainable and would add pressure to the existing facilities. She added that there was no medical provision, no shops, and no space at the school. She commented that the Council had already identified its 5 year housing land supply and cars were overused in Blackfordby. She stated that action needed to be taken against the cars using the road as a rat run as it was dangerous to walk on the footpaths, and the road was being treated as a motorway. She added that flooding remained a real concern to the properties adjacent, and the ecological report was flawed. She accepted that adequate housing should be provided, but felt there were smaller pockets of land which were suitable for this purpose within the village. She concluded that the applicant had not addressed the concerns raised by Ashby Town Councillors and to permit the development would not be in the best interests of the village.

Mr R Nettleton, objector, addressed the meeting. He stated that he had lived within 100 yards of the application site all his life. He commented that the site was outside the village limits. He expressed concerns regarding flooding, unrecorded mining and unrecorded

landfill at the site. He added that there had been issues with sewage for as long as he could remember. He felt that residents had been ignored despite the guidance advising planners to seek local knowledge and he had received a letter stating that officers were too busy to respond to his concerns. He added that he had been an eyewitness to the materials that had been dumped into the landfill and to the collapse of old workings on the site. He stated that none of these issues had been properly investigated and the risk of flooding had been ignored. He respectfully requested that Members listen to residents and seek accurate information now before making a decision.

Mr C Lindley, the applicant's agent, addressed the meeting. He fully endorsed the officer's recommendation. He stated that the applicant had worked hard to listen to, and where appropriate, respond to comments raised by interested parties. He added that the proposal had received no objections from any statutory consultee. He commented that the Council must maintain a 5 year housing land supply and the application provided an appropriate form of development to maintain this. He added that for permission to be refused, the benefits of the scheme, which he outlined, would need to be significantly outweighed. He concluded that Members could be confident that the proposal embodied sustainable development and had no significant adverse impact. He respectfully requested that Members support the officer's recommendation.

Councillor T Neilson stated that in addition to visiting the site he had been out speaking to residents over the last few weeks to seek their views. He understood that the officer view was that the site fits within village envelope, which could be said taking into consideration the commercial properties. He commented however that the views toward the commercial properties were very restricted by vegetation and formed a natural barrier, which contradicted that viewpoint. He did not feel that development in this direction was useful as it was necessary to maintain a separation to Woodville. He also disagreed that the settlement was sustainable, as it could not be argued that residents could walk to the Norris Hill shops. He added that one of the speakers referred to the huge reliance on cars which suggested that residents would travel to the shops in Ashby de la Zouch, which doused the argument that the development would make existing facilities any more sustainable than they already were. He moved that the application be refused on the grounds that it was contrary to policy S3, was outside the limits to development and in his view there was no evidence that the proposals would be sustainable.

The motion was seconded by Councillor J Legrys.

The Chairman sought to move to the vote.

Councillor T Neilson requested a recorded vote.

Councillor J Legrys sought to raise a point of order as he had requested to speak to the motion.

The Chairman invited Councillor J Legrys to speak to the motion.

Councillor J Legrys stated that he was opposed to the development for a number of reasons. He commented that Mr Nettleton had made a powerful speech regarding what had happened to the backfill on the site, and this was in the days when landfill was completely and utterly uncontrolled. He added that Mr Nettleton had observed all sorts of things going into the landfill and it could not be known what was under the surface. He stated that he could not have it on his conscience if the Council started receiving complaints. He referred to recommendation on page 47 that the extraction of coal should be considered as a remedial measure prior to development taking place. He expressed deep concerns that this was never mentioned in the application. He concluded that there was a great deal of uncertainty with this site which caused doubt in his mind. He stated that he would be voting in favour of refusal of the application.

Councillor G Jones expressed concerns regarding Mr Nettleton's observation that officers had sent out letters saying they were too busy. He sought clarification on whether this was true.

The Planning and Development Team Manager stated that the letter received by Mr Nettleton was a standard acknowledgement letter sent in reply to neighbour objections. He added that the team were not able to comment on every single objection from every objector, but that did not mean that the views expressed had been disregarded.

Councillor J Bridges sought confirmation that, taking into consideration the officer's report and local knowledge, conditions 9 and 11 would cover the concerns raised regarding ground investigations, and these conditions would protect the Council from development without the necessary items being confirmed.

The Chairman confirmed that this was the case and added that the same would apply with conditions 16, 24 and 25 in respect of flooding.

Councillor D Everitt commented that the application put him in mind of a previous application that had been quashed due to methane coming up from the landfill. He made reference to the cost of this and hoped that this had been investigated thoroughly.

The Chairman then put the motion to refuse the application to the vote.

A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors J G Coxon, D Everitt, D Howe, R Johnson, J Legrys, T Neilson, R Woodward and M B Wyatt (8).

Against the motion:

Councillors G A Allman, J Bridges, J Cotterill, T Gillard, J Hout, G Jones and D J Stevenson (7).

Abstentions:

None (0).

The motion was therefore declared CARRIED.

RESOLVED THAT:

The application be refused on the grounds that the proposal was contrary to policy S3, was outside the limits to development and was not sustainable.

Councillor N Smith returned to the meeting.

82.

A2

14/00578/OUTM: DEVELOPMENT OF UP TO 275 DWELLINGS WITH ASSOCIATED ACCESS, LANDSCAPING, OPEN SPACE AND DRAINAGE INFRASTRUCTURE (OUTLINE - ALL MATTERS RESERVED APART FROM ACCESS FROM BURTON ROAD AND MOIRA ROAD)

Land Between Burton Road And Moira Road Shellbrook Ashby De La Zouch

Officer's Recommendation: PERMIT Subject to a Section 106 Agreement

The Principal Planning Officer presented the report to Members.

Ms D Grice, objector, addressed the meeting. She stated that the application was a departure from policy S3, and commented that policies were useless if applications were still being considered regardless. She added that residents had expressed concerns regarding the impact on roads and pollution, and Ashby Town Council had objected on the grounds that the district's housing quota had been met. She stated that the development could lead to a saturation of houses. She added that there were issues in respect of flooding, design and access, and all properties on the boundary of the development would be overlooked and the streetscape would be adversely affected. She felt that the community feel of the area would be lost and the proposals would cause additional hazards on the footpath used by school children. She added that local residents were experiencing disruption on the road with the existing development and the delivery of heavy goods.

Mr R Garnham, the applicant's agent, addressed the meeting. He stated that the planning merits of the application had been covered in the officer's report. He commented that every Council had to have a local plan and a land supply. He added that in order to show commitment to developing the site, the applicant proposed to amend the condition in respect of the reserved matters application to specify that this be submitted in 2 years rather than 3. He added that the proposals would provide a range of affordable housing including bungalows for older people. He added that the legal agreement would give first refusal to people in the local area, and the development would truly deliver local homes for local people. He commented that only 14 objections had been received from members of the public, which he hoped was a reflection of the huge efforts the applicant had gone to in respect of this scheme. He reassured Members that the application would meet the needs of local people and would do so in a timeframe that supported the Council's strategic needs. He respectfully requested that Members support the officer's recommendation.

Councillor J G Coxon stated that he had the opposite view to the officers. He moved that the application be refused on the grounds that it was contrary to policy S3 and was not sustainable. He commented that the proposals would extend the limits of Ashby de la Zouch further and would put a belt or perimeter on the town. He made reference to the density of the application and added that the site was significantly overdeveloped.

The motion was seconded by Councillor J Legrys.

The Head of Planning and Regeneration advised Members that the sustainability issue had been given as a reason for refusal in respect of the site to the south of this development, and this was permitted at appeal. He advised that the Inspector had said this was not reasonable and therefore he felt that this could not be defended on appeal. He added that the change to the condition in respect of the reserved matters application would be welcomed and accepted. He advised that conditions were imposed which addressed the concerns regarding flooding, as was the impact of construction. He stated that visual impact was unavoidable on a development of this size and Members were asked to make a judgement given the existing structures, the proposed development to the south and the proposed forest planting. He advised that in respect of the affordable housing, the Council as the housing authority would have a say as to how the affordable housing was allocated.

Councillor J Hoult commented that the proposal was too close to Norris Hill and he expressed concerns about development in this general direction. He asked if the application could be refused on the grounds that it was too close to the next settlement.

The Head of Planning and Regeneration advised that the application could not be refused on this basis as the same arguments would apply to the other sites. He added that the development would not extend significantly beyond the existing settlement.

The Chairman commented that the density of the proposal was quite low.

Councillor T Neilson stated that personally he could see very little difference between this site and the previous item, except that this was slightly closer to the amenities, which were far in advance of those at Norris Hill. Additionally local transport was available and he hoped this was taken into consideration. He Agreed with officers and did not feel the sustainability argument applied in this case because of the offer in the town. He felt that Money Hill as a proposal was far more sustainable than this one. He sought a view from the officer on how this would affect the ongoing appeal in respect of Money Hill as it was far closer to the town centre than this application.

The Head of Planning and Regeneration advised that the Money Hill appeal was at a very early stage so it was difficult to answer how this might be impacted. He advised that in principle, adding to stock of sites nearby would not hurt the Council's case as it would demonstrate that permission would be granted when a good site came forward that met the requisite criteria.

The Chairman urged Members to bear in mind the officer's advice.

Councillor G Jones stated that he was very concerned about stretching the envelope of the Ashby de la Zouch boundary. He added that the town had had to take more than its share of housing and immigration. He felt that it would be wrong to grant further permissions when there were existing developments that had not been commenced. He added therefore that he would be voting against the proposals.

Councillor T Gillard enquired about the potential cost of losing at appeal.

The Head of Planning and Regeneration advised that the costs could potentially escalate up to hundreds of thousands of pound if a public inquiry was held, which represented a significant amount of the budget.

Councillor J Legrys stated that he would be voting in favour of refusal of the application. He sought clarification about the proposed distributor road through the site and expressed concerns that this could create a western Ashby bypass which could encourage further growth in the area. He stated that he shared the concerns regarding extending the Ashby de la Zouch envelope towards the Moira boundary and the settlement of Shellbrook. He believed that extending Ashby in this direction was the wrong way to go. He stated that he supported any community who were having deep concerns regarding maintaining their community identity and proper areas of separation to the next town, which was why he would be supporting the motion to refuse the application.

The Chairman reminded Members that the internal roads associated with the development would be discussed at a later stage.

Due to the officer's advice in respect of the reasons for refusal, the Chairman requested a recorded vote on the motion.

The motion to refuse the application was then put to the vote.

A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors G A Allman, J G Coxon, J Houlst, G Jones and J Legrys (5).

Against the motion:

Councillors J Bridges, J Cotterill, D Everitt, T Gillard, D Howe, R Johnson, T Neilson, N Smith, D J Stevenson, R Woodward and M B Wyatt (11).

Abstentions:
None (0).

The motion was therefore declared LOST.

The officer's recommendation was then put to vote and declared CARRIED.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

83.

A3

14/00893/FULM: DEMOLITION OF PUBLIC HOUSE AND CONSTRUCTION OF 14 NEW ONE BED FLATS

The Pick N Shovel 2 High Street Coalville Leicestershire

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Councillor J Legrys referred to the emh letting policy and sought clarification whether the properties would be let to single people over 30 years of age.

The Planning and Development Team Manager advised that this was his understanding of the policy, and this would be carefully assessed at the letting stage.

Councillor J Legrys felt that the development had to be welcomed, and he added that the community wanted this building demolished. He stated that he had been involved in the project that had been trying to acquire the building, and a lot of structural ironwork inside it had been removed by unauthorised people. He stated that the site needed to become part of the community again and needed to be in use. He commented that a lot of people were disappointed the site was not going to be returned to retail use. He felt however that this had to be outweighed by the fact that a Registered Social Landlord was on board who was willing to bring the site back to fruitful use. He added that he shared many people's scepticism that the project would not materialise and he sincerely hoped that emh could strike a deal with the current owner of the property. He welcomed the removal of the bay windows as they were unsightly and overhung the highway. He acknowledged that there would be problems with construction traffic and the local community would have to be aware that there would be some inconvenience for passing public and traders during the construction phase. He referred to the concerns raised in the community about unauthorised car parking, and the discussions that had taken place with enforcement officers regarding waiting areas, which would need to be kept under control. He welcomed the development and asked Members to support the proposals for benefit of the community.

Councillor G A Allman commended the application and felt that the external visage was a credit.

Councillor T Gillard agreed that the application was well overdue. He also paid tribute to the Council for committing funds to support the scheme.

Councillor M B Wyatt added that this was fantastic news and long overdue. He also thanked the Leader of the Council for taking up this opportunity.

Councillor T Neilson stated that he supported the proposals but urged caution regarding the design of the first floor windows. He commented that there was a similar scheme in

Measham and the windows quickly became very ugly. He felt this would not add to the streetscene at all.

It was moved by Councillor J Legrys, seconded by Councillor T Gillard and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration, subject to the amended conditions as outlined in the update sheet.

84.

A4

13/00956/OUTM: DEVELOPMENT OF UP TO 2700 DWELLINGS, UP TO 2 HA FOR A NEW LOCAL CENTRE INCLUDING UP TO 2000 SQM FOR A1, A2, A3, AND A5 USES, UP TO 499 SQM FOR PUBLIC HOUSE RESTAURANT, UP TO 400 SQM FOR CHILDREN'S DAY NURSERY AND UP TO 500 SQM FOR NEW MEDICAL CENTRE; NEW PRIMARY SCHOOL, ON-SITE NATIONAL FOREST PLANTING AND AREAS OF PUBLIC OPEN SPACES, NEW BUS ROUTES AND BUS INFRASTRUCTURE AND ASSOCIATED HIGHWAYS AND DRAINAGE INFRASTRUCTURE. (OUTLINE - ALL MATTERS RESERVED)

Land Off Grange Road Grange Road Hugglescote Leicestershire

Officer's Recommendation: PERMIT Subject to a Section 106 Agreement

The Principal Planning Officer presented the report to Members.

Dr T Eynon, County Councillor, addressed the meeting. She stated that she had no objection to the principle of development on the site and had nothing but praise for the way the agent had engaged with residents. She felt however that the application was premature from a highways perspective, and much more work needed to be done to make the scheme viable. She added that there would be a material impact on every junction of the A511. She noted that the original solution included a bypass, which had been delayed for years due to increasing costs. She added that the Planning Committee had now approved an application on the land set aside for the bypass. She stated that the link road which was intended to punch through the site was mired in difficulties and was likely to cost far more than the developer could hope to provide. She commented that monies from the transport and infrastructure pot from this development would be going towards the works at the Markfield junction in Hinckley and Bosworth. She asked the Committee to reject this offer until the officers have worked up a robust strategy to find the requisite funding for the bypass and the other infrastructure requirements as identified by the Highways Authority.

Mr W Jennings, representing the Parish Council, addressed the meeting. He stated that he was the Chair of the planning working party and since its inception, the Parish Council had engaged with higher authorities. He expressed concerns regarding the lack of infrastructure in what was by far the biggest application for the district. He stated that the proposals were in contravention of policy E21 as the parish identities would be compromised. He added that there was no infrastructure in place to support the development and the proposed punch through road was 8th on the list of priorities. He commented that phrase 'short term pain for long term gain' had been quoted, yet it was the communities that would pay the price. He stated that not only was the weight of traffic a prime concern, but also the roads expected to bear the traffic were not fit for purpose, and the road proposed as the main thoroughfare was dangerous. He added that the school did not have spare capacity and the issues raised had not been addressed. He stated that the proposals were contrary to policy E4 as they were not in tune with the surrounding, as much of Hugglescote was Victorian. He added that the lack of affordable

housing was also a concern and there were too many unanswered questions in respect of this development. He also questioned the CIL compatibility of the scheme.

Councillor P Hyde, Ward Member, addressed the meeting. He stated that the agent had done an excellent job and had involved the local community, parish council and district council Members, which was what everyone should do when submitting a scheme of this size which affected the area. He referred to the workshops which had been held and the overriding 2 points highlighted had been sewers and highways. He commented that he had been involved with the project since the beginning. He added that the major concern was the highways implications, as was evident in the report. He pointed out that no consultation had been done by the Highways Authority on this issue and HGVs cutting through the area was a problem. He felt that the scheme should be deferred to enable the highways issues to be resolved. He commented that originally there was a requirement for a bypass which would have to be funded by the developer; however now the advice was that there was less traffic and therefore a bypass was not needed. He assured Members that there was more traffic now than there was in 1995.

Mr G Lees, the applicant's agent, addressed the meeting. He stated that the South East Coalville development represented the most significant component of achieving the sustainable growth of Coalville. He felt it was important to point out that part of site at the north was allocated for housing and the southern part was brownfield. He highlighted the clear and desirable benefits of approving the application, such as contributions to the regeneration of the town centre, walking and cycling routes, two new centres, two new primary schools and 44% of the site being allocated for planting. He referred to the key concerns regarding highways, and pointed out that there was now over £24 million on the table for infrastructure provision secured through planning permissions and the central government growth deal. He added that this was a chicken and egg situation, and without granting permissions, further central government funding would not be forthcoming. He commented that the offer in respect of affordable housing and education was above and beyond what other schemes were offering. He respectfully requested that Members accept the officer's recommendation.

It was moved by Councillor J Bridges and seconded by Councillor T Gillard that the application be permitted in accordance with the officer's recommendation.

Councillor R Johnson acknowledged that the land had been allocated for housing but questioned whether this application was really necessary for South East Coalville without having the proper highways infrastructure through the villages. He commented that this was just plain daft. He added that one major element not included in the application by the consortium was the impact on the quality of residents' life, which was not acceptable. He added that residents had concerns regarding what impact the development would have on their village identities as there would be no area of separation. He commented that the villages should not be seen as a dumping ground. He felt that the application was premature, considering that Leicestershire County Council had just begun a consultation on the community centre and the future of the crossroads, the results of which would not be known until 2015. He added that this would affect roads further afield and there would be an impact upon Bardon Road also with the quarry increasing production. He expressed concerns regarding the access on Beveridge Lane. He commented that no amount of money would solve the traffic problems if the highway was not fit for such a large development. He added that the bypass would have partly solved the problem with the lack of infrastructure, but this was not an option, and the proposed punch through road may never happen. He noted that the school would accommodate 420 pupils which was not a lot considering the housing numbers. He commented that the local centre may be forward thinking from the developers to include a proposed sustainable area. He referred to the widening of Grange Road which residents had previously been totally opposed to. He added that having one of the narrowest parts of Forest Road as an access was a crazy idea and asked if this was reasonable considering it was an accident hotspot. He

commented that the development would be with the residents for a very long time, and asked if it was worthwhile. In his view proper infrastructure was required before there could be any notion of building.

Councillor M B Wyatt commented that he wished he didn't have to support the proposal, but due to it being the only way to fund the relief road he felt he had no choice. He added that the residents understood that without this development there could be no relief road. He added that this application would go some way to relieving the highway situation. He pointed out the infrastructure plans were yet to be finalised in respect of Network Rail, and he was confident the ransom strip issue could be addressed. He added that he had spoken to a representative of the consortium and asked if they would be prepared to fund a feasibility study for the reintroduction of the Ivanhoe Line and they had indicated that they would do so if officers approached them for a contribution. He stated that he would be supporting the proposals.

Councillor J Legrys stated that he could not support the application, however he extended his personal thanks to the agent for the exemplary work he had done with the Parish and District Councillors. He stated that the crossroads at Broom Leys Road was already at capacity and the impact of the development had been demonstrated to be material. As part of the junction was in his Ward, he asked how long the short term pain was likely to last and how many properties would need to be demolished to provide the significant improvement required at the junction.

The Principal Planning Officer advised that the strategy was designed to enable Leicestershire County Council to draw on the monies in a priority order so that most pressing issues could be addressed first, and therefore the timescales could not currently be known. He added that no detailed schemes had been drawn up yet, by the Highways Authority who would need to draw these up and address the priorities as they came forward.

In response to a comment from Councillor J Legrys, the Principal Planning Officer confirmed that the junction was in an air quality management area and it had been concluded that the proposals would not have an unacceptable impact on air quality.

In response to comment from Councillor J Legrys, the Head of Planning and Regeneration clarified that the presence of a housing land supply was not a basis for asking the Planning Committee to reconsider an application, regardless of whether the Section 106 Agreement had been signed or the decision notice issued.

Councillor J Legrys asked if there was any likelihood that land at Park Lane was likely to come back before the Committee.

The Chairman reminded Councillor J Legrys to confine his comments to the application before him.

Councillor J Legrys commented that the issue was that the application would further increase the housing land supply, which he felt would jeopardise those permissions where the Section 106 Agreements hadn't been signed. Considering this, he expressed concerns that residents were having to put up with long term pain for short term gain. He praised the agent's work on engagement and felt that where the developers had been let down was in breaking the logjam of highways improvements. He added that the bypass was sacrificed and the land now had a planning permission granted. He referred to the alternative offered by the failed Core Strategy which was the ransom strip belonging to Network Rail. He stated that he was of the opinion that the punch through road would go above the cost of whatever would be provided by central government. He referred to the 699 properties proposed on the Massarella land, which had not materialised due to housing marketability and the lack of proper highways. He added that no mitigation was

proposed for the school and the inconvenience of school gate parking. He expressed concerns regarding the demolition and blitzing of the centre of Hugglescote and the additional traffic going into Ravenstone. He commented that the route was the old route between Leicestershire and Ashby de la Zouch, and he did not want to see traffic going through the village and using Corkscrew Lane to access the A42.

The Chairman reminded Councillor J Legrys that no Member may speak for more than 5 minutes without the permission of the Chairman. He asked Councillor J Legrys to conclude his speech.

As a point of personal explanation, Councillor J Legrys stated that he felt the application was premature and he was opposed to it.

Councillor T Gillard stated that he supported the application as he firmly believed it would go a long way to securing the Whitwick green wedge if successful.

Councillor R Woodward stated that Councillor T Gillard's comments had spurred him to speak. He stated that he agreed with what he was saying, however he commented he was claiming to be the saviour of the green wedge, but others had done so long before.

Councillor T Neilson commented that the application was outline so he did not see how it could be premature.

The Chairman called for order at this point in the meeting.

Councillor T Neilson stated that he shared the concerns that the fabled bypass would not see the light of day due to difficulties down the line. He felt that it was necessary to bear in mind that a lot of that work had a long way to go and what was currently needed was to establish the principle of development on the site. He stated that he supported the recommendation.

Councillor T Gillard requested a recorded vote.

The Chairman then put the motion to permit the application to the vote.

A recorded vote having been requested, the voting was as follows:

For the motion:

Councillors G A Allman, J Bridges, J Cotterill, J G Coxon, D Everitt, T Gillard, J Houtt, D Howe, G Jones, N Smith, D J Stevenson, R Woodward and M B Wyatt (13).

Against the motion:

Councillors, R Johnson and J Legrys, (2).

Abstentions:

Councillor T Neilson (1).

The motion was therefore declared CARRIED.

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

- 85. A5**
14/00898/FUL: DEMOLITION OF EXISTING BUNGALOW AND THE ERECTION OF THREE TWO STOREY DWELLINGS
34 Copson Street Ibstock Coalville Leicestershire

Officer's Recommendation: PERMIT

The Senior Planning Officer presented the report to Members.

Councillor R Johnson requested that a condition be included in respect of the hours of construction, to restrict the working time to 7.30am to 5.30pm Monday to Friday, 7.30am to 1.30pm on Saturdays and no Sunday operating

The Chairman advised that a note to the applicant could be included to that effect.

Councillor J Legrys commented that he had some sympathy for neighbours in respect of car parking. He added that the access to the site was not grand, and may be difficult if there was no co-operation between neighbours. He also requested a note to the applicant in respect of construction traffic, and to ensure that further negotiations took place with the Highways Authority regarding how the access and visibility issues could be better mitigated.

It was moved by Councillor J Bridges, seconded by Councillor T Gillard and

RESOLVED UNANIMOUSLY THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

- 86. A6**
14/00862/FULM: TEMPORARY CHANGE OF USE OF LAND FROM AGRICULTURE TO A SOLAR FARM WITH CONTINUED AGRICULTURE AND ASSOCIATED INFRASTRUCTURE
Site Opposite Ashby Rugby Club Nottingham Road Ashby De La Zouch Leicestershire

Officer's Recommendation: PERMIT

The Principal Planning Officer presented the report to Members.

It was moved by Councillor J Bridges, seconded by Councillor G Jones and

RESOLVED UNANIMOUSLY THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

- 87. A7**
14/00934/FUL: TWO STOREY SIDE EXTENSION CONSISTING OF A RESIDENTIAL ANNEXE
Ambro Mill Slade Lane Wilson Melbourne

Officer's Recommendation: PERMIT

The Planning and Development Team Manager presented the report to Members.

It was moved by Councillor G Jones, seconded by Councillor T Gillard and

RESOLVED UNANIMOUSLY THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

88.

A8

14/00976/FUL: FORMATION OF AN ACCESS RAMP FOR USE BY DISABLED PERSONS WITH THE ERECTION OF A STEEL HANDRAIL, FROM IBSTOCK HIGH STREET CAR PARK INTO THE COMMUNITY COLLEGE LEISURE COMPLEX AND INSTALLATION OF DROPPED KERB COMPLIANT WITH DISABILITY REGULATIONS.

Ibstock Community College Central Avenue Ibstock Coalville

Officer's Recommendation: PERMIT

It was moved by Councillor R Woodward, seconded by Councillor J Legrys and

RESOLVED THAT:

The application be permitted in accordance with the recommendation of the Head of Planning and Regeneration.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.43 pm

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APPENDIX B

**Report of the Head of Planning and Regeneration
To
Planning Committee
6 January 2015**

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 Planning and Regeneration are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Planning and Regeneration 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 Planning and Regeneration.

5. Granting permission contrary to Officer Recommendation

Where the Head of Planning and Regeneration 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 Planning and Regeneration.

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 Planning and Regeneration.

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 Planning and Regeneration.

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

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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Erection of up to 24 dwellings (Outline-all matters reserved)

Report Item No
A1

Land At Kane Close Coalville Leicestershire LE67 3RF

Application Reference
10/00775/OUTM

Applicant:
East Midlands Housing Group

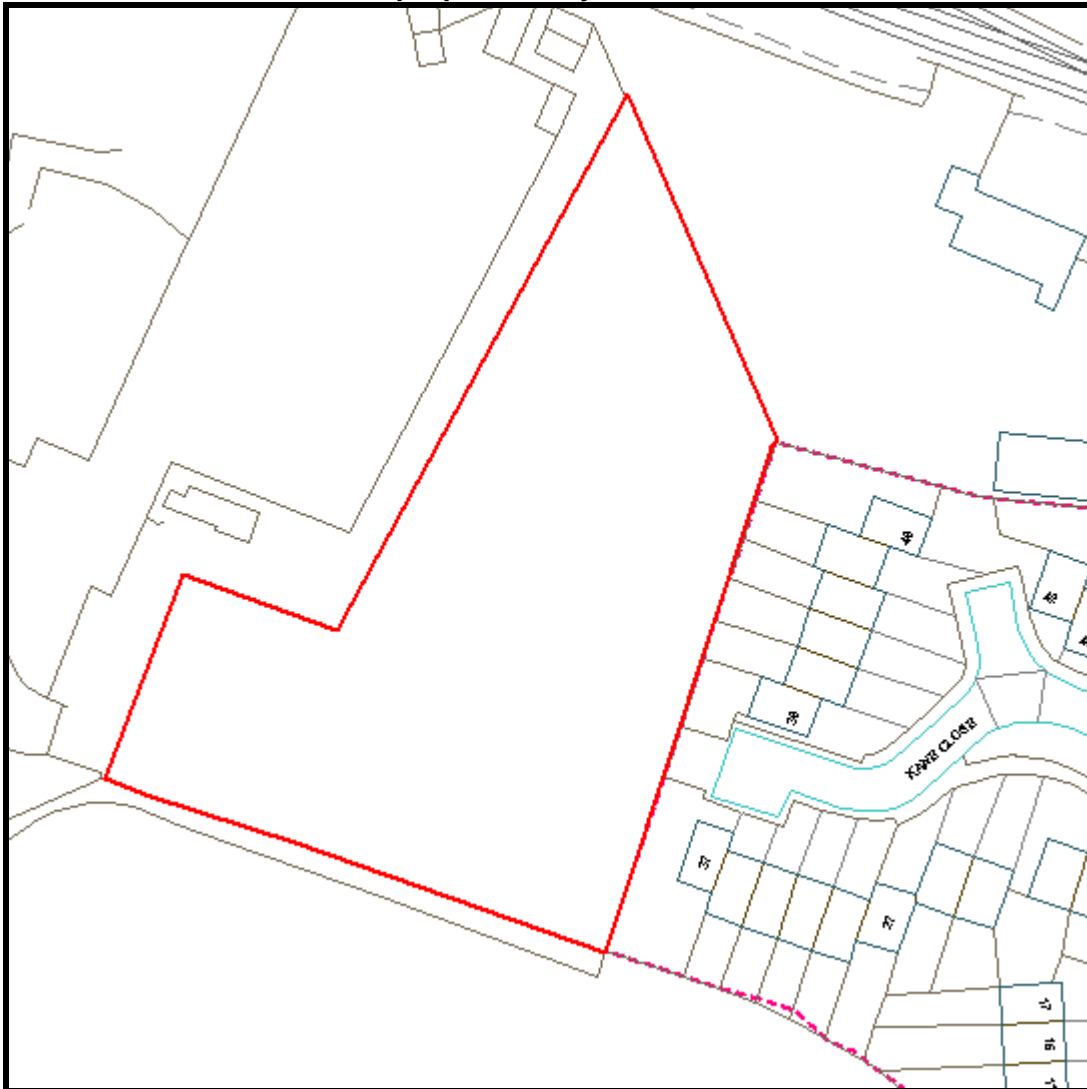
Date Registered
22 September 2010

Case Officer:
James Knightley

Target Decision Date
22 December 2010

Recommendation:
PERMIT subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

This application seeks outline planning permission for residential development of up to 24 dwellings and associated works. The application is submitted on behalf of a Registered Provider, and all of the proposed dwellings would be provided as affordable housing.

Consultations

Members will see from the main report below that objections have been received in respect of the proposals (including from the County Archaeologist); it is also noted that a number of developer contribution requests have been received.

Planning Policy

The application site lies within Limits to Development as defined in the adopted North West Leicestershire Local Plan, and also falls within a larger area subject to Policy L8, which relates to appropriate uses on the site of the former Snibston Colliery.

Conclusion

The report below indicates that, whilst the proposals would be contrary to the provisions of Policy L8 of the adopted North West Leicestershire Local Plan, and whilst the development would have an adverse impact on the setting of the adjacent scheduled monument, having regard to the site's general suitability for housing (including its proximity to Coalville town centre) and the use of capital receipts to fund restoration works to the monument together with proposals for enhanced public access to and interpretation of the monument, these adverse impacts would be satisfactorily off-set. It is also considered that, whilst having regard to the viability of the scheme, the provision of a full range of developer contributions would not be achievable, the scheme would remain sustainable development overall, particularly when taking into account the social dimension benefits as a result of the proposed dwellings' affordable tenure.

RECOMMENDATION:-

PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF 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 and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is an outline application with all matters reserved submitted by a Registered Provider which, following amendment, is for the erection of up to 24 dwellings (having previously been considered by the Planning Committee on the basis of 21 following an earlier reduction in 2011) on a site of 0.57 hectares associated historically with the Snibston Colliery site (now occupied by the Snibston Discovery Park). The site is understood to have been used in the past as a storage area for colliery equipment.

Whilst all matters are reserved for subsequent approval, the application is accompanied by an illustrative layout showing 21 dwellings, including a public open space located towards the northern corner of the site, comprising:

- 3 no. one bed flats
- 2 no. two bed flats
- 8 no. two bed houses
- 7 no. three bed houses
- 1 no. four bed house

Whilst the illustrative layout indicates a scheme of 21 units, following further amendment in December 2014, the application now seeks permission for a maximum of 24 dwellings.

The submitted scheme as shown on the illustrative layout indicates that the site would be intended to be accessed via an existing residential estate (Kane Close).

The application was considered at the Planning Committee meeting of 6 September 2011 when it was resolved to permit the application subject to Section 106 obligations and subject to conditions. The Section 106 agreement has not to date been entered into, and the planning permission has therefore not been issued. However, the developers now wish to progress the scheme once more, and for the Section 106 agreement to be completed, such that planning permission can be granted.

Given the period that has elapsed since the original resolutions to permit and the changes that have taken place in respect of planning policy and other matters during that time, it is considered that the matter needs to be reconsidered in that context. Updated supporting information, required given the length of time that has passed since the previous resolution, has been submitted, including updated information in respect of trees, ecology, planning policy and heritage issues.

The application was originally referred to the Planning Committee for a decision at the request of Councillors Legrys and Clayfield.

2. Publicity

15 Neighbours have been notified (Date of last notification 16 December 2014)

Press Notice published 19 November 2014

Site Notice published 08 November 2014

3. Consultations

LCC ecology
 County Archaeologist
 English Heritage- major dev in CA
 NWLDC Tree Officer
 Head Of Street Management North West Leicestershire District
 County Highway Authority
 Severn Trent Water Limited
 Head of Environmental Protection
 NWLDC Urban Designer
 LCC Development Contributions
 NHS Leicester, Leicestershire And Rutland Facilities Management
 Development Plans
 Head Of Leisure And Culture
 Manager Of Housing North West Leicestershire District Council
 Police Architectural Liaison Officer
 NWLDC Conservation Officer
 Head Of Leisure And Culture
 NWLDC Tree Officer

4. Summary of Representations Received

English Heritage originally supported the proposals (and notwithstanding the harm to the significance of the scheduled monument) in terms of their enabling development aspects on the basis that it was confirmed by Leicestershire County Council that the anticipated capital receipts would be used to facilitate acceptance of a larger sum from the Heritage Lottery Fund. Further to the recent submissions, English Heritage notes the proposals to offset the harm by way of the proposed enabling development and other public benefits.

Leicestershire Police Architectural Liaison Officer originally raised a number of issues relating to designing out crime in terms of site layout and, in particular, the siting of the public open space and the permeability of the scheme; no further comments have been received in response to the 2014 resubmission.

Leicestershire County Council Archaeologist originally considered that the applicants should be required to submit a thorough assessment of the proposed development on the historic environment; no further comments have been received in response to the 2014 resubmission.

Leicestershire County Council Ecologist has no objections subject to conditions

Leicestershire County Council Education Authority requests a developer contribution of £47,549.11 in respect of additional provision in the primary school sector

Leicestershire County Council Landscape Management Officer has no comments in respect of developer contributions

Leicestershire County Council Library Services Development Manager requests a developer contribution of £1,130

Leicestershire County Council Highway Transportation & Waste Management Authority

requests a civic amenity developer contribution of £1,492

Leicestershire County Council Highway Authority has no objections subject to conditions

NHS England (Leicestershire and Lincolnshire Area) [in its former state as NHS Leicestershire County and Rutland Community Health Services] originally requested a healthcare contribution of between £583 and £1,750 per dwelling; no further comments have been received in response to the 2014 resubmission.

North West Leicestershire District Council Affordable Housing Enabler supports the proposals

North West Leicestershire District Council Environmental Health has no objections subject to conditions

North West Leicestershire District Council Leisure and Cultural Services originally requested a developer contribution of £1,100 per dwelling in respect of leisure facilities; no further comments have been received in response to the 2014 resubmission.

Severn Trent Water has no objections subject to conditions

Third Party representations

One representation was originally received, objecting on the grounds that insufficient detail of the proposed dwellings was included within the application. No representations have been received further to the recent resubmissions (and re-notifications).

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

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.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as set out in more detail in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, 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."

"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."

"131 In determining planning applications, local planning authorities should take account of:
 - the desirability of sustaining and enhancing the significance 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...."

"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 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."

"134 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

"140 Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies."

"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."

North West Leicestershire Local Plan

The site lies within Limits to Development as defined within the North West Leicestershire Local Plan. It also forms part of a larger area subject to Policy L8.

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 L8 provides that only development directly related to the purposes of an industrial heritage museum and its associated leisure activities will be permitted on the site of the former Snibston Colliery (and provided it does not have an adverse impact on the Local Nature

Reserve within the museum complex).

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.

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

Policy 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 E6 seeks to prevent development where it would prejudice the comprehensive development and proper planning of a larger area of land of which the site concerned forms part.

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 E8 requires that, where appropriate, development incorporates crime prevention measures.

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.

Other Policies

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Greater Coalville Area.

Key Principle AH3 requires a minimum of 20% of residential units to be available as affordable

housing within the Greater Coalville Area.

North West Leicestershire District Council Play Area Design Guidance Note SPG

The District Council's Play Area Design Guidance Note SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

Submission Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

6. Assessment

Principle of Development

In terms of the principle of residential development, the site is located within Limits to Development, is previously-developed, and is, it is considered, well related to the town centre. The site is accepted to be previously-developed as, it is understood, the site was previously used in association with the former mineral operations of the colliery, but that no restoration conditions exist (given the time at which the operations were undertaken). The site (which appears to have been used for other forms of storage since the colliery's closure) has not naturally regenerated since its cessation of use to the extent at which it could be considered to be greenfield by virtue of such regeneration.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The settlement of Coalville benefits from a range of local services and is readily accessible via public transport; as referred to above, the site is considered to be well-related to the town centre (being located approximately 350m from the closest part of the Core Town Centre Shopping Area as defined in the adopted Local Plan). The proposal for the erection of new residential dwellings is, therefore, considered to score well against the sustainability advice (in terms of need to travel) in the NPPF.

Housing Land Supply

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery.

In terms of the minimum amount of housing required to be provided within the District as a whole, a Strategic Housing Market Assessment (SHMA) undertaken on behalf of all of the Leicestershire local planning authorities has provided the District Council with an up-to-date objectively assessed annual housing requirement, equating to 350 dwellings per annum. The approach used in the SHMA to establishing this Objectively Assessed Need (OAN) was supported by the Inspector who determined the appeal in respect of a site at Lower Packington Road, Ashby de la Zouch, issued in October 2014, and, based on the findings of the Inspector regarding the appropriate method of calculating supply, the District Council's latest housing supply trajectory indicates that, using the approach of the above annualised requirement with a 20% buffer, the District is currently able to demonstrate a supply of 6.18 years.

Contribution to Sustainable Development

Having regard to the three dimensions of sustainable development, it is accepted that the development has the potential to make a positive contribution to the economic dimension by virtue of the growth associated with the proposed development. Similarly, the proposed provision of an additional 24 affordable dwellings (and, in particular, having regard to recent under-provision of affordable housing necessary to meet the District's needs) would assist the scheme's sustainable development credentials in respect of the social dimension, although this would need to be weighed against the non-provision of other infrastructure contributions as set out in more detail below. Insofar as the environmental role is concerned, however (and in addition to the accessibility of the site as already discussed), particular regard should be had to the impacts on the setting of the nearby scheduled monument, as set out in more detail below.

Other North West Leicestershire Local Plan Policies

As stated above, the site (along with the remainder of the Snibston Discovery Park complex) is subject to Local Plan Policy L8 which presumes against development unless directly related to the industrial heritage museum and its associated leisure activities. The proposal would clearly conflict with the provisions of this policy.

Whilst the site is protected under Policy L8, it is noted that the site has, it is understood, now been sold to the applicants by Leicestershire County Council (and, therefore, the County Council presumably did not consider it necessary as part of its future plans for the Discovery Park). It is also noted that the site has not come forward for such use within the Plan period (1991-2006). Having regard to these issues, to the provision of additional affordable housing over and above the normal contribution required in association with residential development, and to the general suitability of the site for housing in other respects, it is not considered that the policy conflict, on balance, should prevent the site being released for residential development at this time.

Heritage Issues

The site forms part of the wider complex of the former Snibston Colliery, now used as the Snibston Discovery Park. Part of the former colliery (and including the former pit headstocks) is designated as a scheduled monument (monument no. 31764; list no. 1018472); the application site itself does not fall within the designated area as defined on the relevant English Heritage plan. Snibston Colliery is considered by English Heritage to be one of the best surviving examples of a mining complex dating from the British coal industry's period of peak production, and to be one of four sites in England which best represent the coal mining industry since the 1890s. Rare structures such as a double-decker cage, tandem winding gear and creeper system are preserved in situ. In situ survivals of machinery include two electrical winding engines, a fan and locomotive engines. The tandem headgear is understood to be extremely rare, and is thought to be one of only two surviving in the country.

Whilst the County Council was (corporately) supportive of the proposals, objections were raised by its archaeologist at the time the application was originally considered, and who requested an assessment of the direct and indirect implications of the proposals upon the historic environment. Similar concerns were originally raised by English Heritage. In particular, the form of development shown on the illustrative layout submitted when the application was first made (albeit amended prior to consideration by the Planning Committee) showed a more extensive form of development in the northern part of the site which is the area closest to the scheduled

monument.

In response to these concerns, the amendments to the illustrative layout referred to above were provided, and a heritage statement was produced. No further comments were received from the County Archaeologist at that time (nor since the 2014 reconsultation), although English Heritage provided additional responses confirming and updating its views.

At the time the application was previously considered, English Heritage expressed concerns regarding the potential impacts upon the scheduled monument. In particular, it is noted that, historically, the application is understood to have been a storage yard and, as such, it has always been a relatively "open" area in the context of the monument's setting.

In terms of the approach to determining applications affecting a designated heritage asset (which would include a scheduled monument), consideration needs to be given to whether any harm would result to the significance of the asset and, if so, whether that harm would be substantial or less than substantial. In this case, having regard to the historic setting of the monument, it is considered that any development which would remove the historically open aspect of this part of the former colliery would be likely, to some degree, to harm its significance. English Heritage is also of the view that harm would result, "accruing from the containment of the site by residential development restricting the landscape presence of the monument as new works hem in the principal assets".

In terms of the extent of this harm, Paragraph 132 of the NPPF provides that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. Having regard to the likely impacts of the proposed development which, whilst developing the setting, would not directly affect the heritage asset itself, it is considered that, on balance, the harm is likely to be less than substantial. As such, the approach to development as set out in NPPF Paragraph 134 would apply (i.e. the harm should be weighed against the public benefits of the proposal).

In terms of potential public benefits, these would, for example, include the benefits of the scheme as already described above in the context of assessing the various dimensions of sustainable development. In addition, however, at the time the application was previously considered, the applicants attempted to address the concerns of the County Archaeologist and English Heritage by promoting the scheme as a form of enabling development. As set out under Relevant Planning Policy above, Paragraph 140 of the NPPF provides that "Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies."

At the time that the application was previously reported to the Planning Committee, members were advised that Leicestershire County Council had produced a Conservation Management Plan for the future maintenance and management of the monument and, at that time, the County Council advised that the receipts from the sale of the land would be part of a contribution the County Council would make as match-funding which, together with Heritage Lottery funding, would be used to restore the scheduled monument / historic colliery complex and to provide facilities associated with the interpretation of the coalmining history of the site. The County Council had advised that, by delivering the programme, not only would the scheduled monument be removed from the Heritage at Risk register, but it would also be made accessible for the public, reduce significantly the building maintenance costs for the foreseeable future, and would provide apprenticeships and skills development opportunities linked with Stephenson College and local providers.

The County Council previously advised that the restoration programme would be delivered over 4 years (approx) from start and that the programme was dependent on external funding and the anticipated capital receipt for the application site (£300,000) would form the main contribution to the match-funding. At that time, English Heritage was of the view that the proposals represented an overwhelming case in support of enabling development, and had removed its earlier objections to the proposals on that basis.

Further to the recent update to the application, the applicants have been asked to confirm the current position in respect of the proposed enabling development. The applicants advise that:

- Leicestershire County Council's Strategic Property Services division has confirmed that the capital receipt from the sale of the development site formed part of the £1.86m funding package used for the maintenance of the scheduled monument
- After the completion of the various phases of works, the buildings and headstocks that fall within the scope of the works have been stabilised to prevent any further deterioration of the building fabric through movement, rust heave or failure of structural components
- The works have addressed the principal works of an earlier Conservation Management Plan dating from May 2009
- The buildings falling within the scope of works have been made wind and weather tight and the headstocks and ancillary metalwork have had rust and scale removed, failed or heavily corroded elements of structure replaced where necessary and a new paint system applied to give an expected 25 years protection to the steelwork
- The works have removed the backlog of maintenance tasks and will enable future maintenance to be of a more routine and planned manner
- A long-term maintenance schedule has been prepared and annual inspections of the site have been allowed for to enable maintenance requirements to be determined and repairs prioritised where necessary to prevent deterioration of the fabric through long term lack of action in addressing problems - monies have been allocated by Leicestershire County Council to deal with the arising maintenance items from the annual inspections as well as the cyclical maintenance set out within the schedule

As such, the applicants confirm that the capital receipts from the proposed development formed part of the funding of maintenance works which have, they advise, safeguarded the future of the monument, and arrested its decay. They also advise that the works undertaken "will allow the site to continue to be opened to the general public as a mining heritage attraction, ensuring that interest in the site continues into the future. The scope of the site tours can now be increased to include areas previously out of bounds due to safety concerns, increasing visitor interest in the site and its viability as a visitor attraction."

In terms of the current position as compared to the time at which the application was originally considered by the Planning Committee, the benefit associated with the proposed enabling development has, in effect, been secured already and, in this sense, the fact that the proposed restoration works have been undertaken in advance of the issuing of any planning permission means that the benefit has been secured regardless of the outcome of the application. As such, it is not considered that it would be appropriate to attach as much weight to the benefit as a material consideration (i.e. the mitigation originally proposed to off-set the harm to the significance of the monument will have happened whether planning permission is granted or not). However, it is nevertheless accepted that the works have been undertaken by Leicestershire County Council on the assumption that the capital receipts from the sale of the site would be used to fund the works in part. English Heritage appears to be generally content with the position in this regard and, notwithstanding that, in officers' view, the weight to be

attached to the enabling development case must inevitably be reduced to reflect the fact that there is no longer a "do nothing" fall back position whereby refusal of planning permission would result in the continued decay of the monument, it is considered that, on balance, the overall approach to this issue remains reasonable.

In addition to the securing of the monument repair works, English Heritage also draws attention to the other benefits (not yet secured) identified in the applicants' updated supporting information and, in particular, the comments that the works undertaken would allow the site to continue to be opened to the general public as a mining heritage attraction, and would enable public access to areas previously unavailable due to safety concerns. English Heritage advises that the Local Planning Authority should "explore the status and documentation (through a forward management plan) of public appreciation, access and understanding of the monument since this is also set out as a public good that will be safeguarded through the revenues of this development". A forward management plan had not been provided but it is considered that this element of the public benefit could be secured by way of a Section 106 agreement (to which Leicestershire County Council would need to be a party) ensuring that the public appreciation and access benefits suggested by the applicants would occur.

On balance, therefore, notwithstanding the potential adverse impacts on the setting of the scheduled monument, it is accepted that the overall benefits of the scheme (and including the proposed use of the capital receipts to fund the restoration works already undertaken to the monument, together with the proposed measures designed to enhance public appreciation of it) would outweigh the harm to heritage likely to result. As such, it is considered that the proposals satisfy the requirements of the NPPF.

Means of Access and Traffic Issues

All matters (including access) are reserved for subsequent approval. However, as set out above, the illustrative layout indicates that the site would be accessed via Kane Close. Whilst the County Highway Authority has advised that the roads as shown on the illustrative layout would not comply with the relevant County Council standards for adoption, no objections are raised subject to conditions, and subject to Section 106 obligations in respect of the following:

- One Travel Pack per dwelling to inform new residents from first occupation what sustainable travel choices are available in the surrounding area (which can be provided through Leicestershire County Council at a cost of £52.85 per pack per dwelling if required)
- Two six-month bus passes per dwelling to encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation (which can be provided through Leicestershire County Council at a cost of £350.00 per pass if required)

The scheme is considered acceptable insofar as those highways issues relevant to this outline application are concerned (e.g. impacts on the wider highway network etc), and subject to the mitigation measures identified by the County Highway Authority (although attention is drawn to the issue of developer contributions as considered under Developer Contributions and Development Viability below).

Neighbours' and Future Occupiers' Amenities

The density of the proposed development would equate to approximately 42 dwellings per hectare which, it is considered, would not be inappropriate in this area, having regard to its proximity to the town centre and surrounding forms of development. In principle, and whilst the

submitted illustrative layout relates to 21 dwellings, there nevertheless appears to be no particular reason why 24 dwellings could not, if designed in an appropriate manner, be accommodated on the site without causing unacceptable harm to adjacent residents' amenities, and whilst providing adequate amenity and parking areas for new occupiers.

In terms of future occupiers' amenities, it is noted that the site is adjacent to the existing play area forming part of the Discovery Park. In order to demonstrate that the use of the site for residential development would not result in unacceptable levels of amenity to future occupiers, supporting information in respect of noise has been provided. On the basis of this information, and on the basis of the recommendations contained within the submissions (i.e. provision of acoustic fencing, ventilation and glazing), the District Council's Environmental Protection team has no objections, and the scheme is therefore acceptable subject to the imposition of relevant conditions.

Design

The previously proposed scheme (i.e. the illustrative plan indicating 21 units) was assessed by the District Council's Urban Designer, and rated in accordance with CABE's Building for Life criteria. On the basis of the former 20 Building for Life criteria, the scheme scored as follows (out of 5) in the respective sub-categories: Environment and Community - 5, Character - 3.5, Streets, Parking and Pedestrianisation - 3.5, Design and Construction - 0. As such a total of 12 out of 20 would have been achieved, which would have been below the minimum of 14 out of 20 required to be considered of a "Good" standard under the former Building for Life assessment system. Given the outline nature of the application, however, the District Council's Urban Designer accepted that it was not expected that the application would secure 14 out of 20, and advised that the question was whether the illustrative proposals could offer the District Council confidence that the required standard could be achieved. Whilst the submitted illustrative proposals were considered to exhibit some areas of weakness and would need to be addressed prior to submitting a reserved matters application, the District Council's Urban Designer considered that, if the applicant responded positively to the advice afforded within the Building for Life assessment, a good scheme could nevertheless be secured.

Therefore, whilst the scheme is not sufficiently advanced to be assessed fully against Building for Life, it is considered that it has been demonstrated that, in principle, an appropriate scheme could be secured at the reserved matters stage(s), and would comply with the relevant National and Development Plan policies.

Developer Contributions and Development Viability

Paragraphs 203 and 204 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

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

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

The proposed infrastructure and other developer contributions / Section 106 obligations are as set out in the preceding sections of this report (including in respect of accessibility / transportation) and as listed below.

Notwithstanding the various contributions sought by consultees, having regard to (i) the fact that all of the proposed dwellings would be affordable; (ii) the viability of the scheme; and (iii) the previously-proposed contribution to the scheduled monument has now, in effect, been made, the applicants do not propose to make any developer contributions. Insofar as the issue of viability and planning obligations is concerned, the DCLG's Planning Practice Guidance provides in Paragraph ID ref. 10-019-20140306 that "Where an applicant is able to demonstrate to the satisfaction of the local planning authority that the planning obligation would cause the development to be unviable, the local planning authority should be flexible in seeking planning obligations". It also states, however, that "the National Planning Policy Framework is clear that where safeguards are necessary to make a particular development acceptable in planning terms, and these safeguards cannot be secured, planning permission should not be granted for unacceptable development". A viability assessment based on the previously-proposed contributions (i.e. from 2011) and based upon a scheme of 21 dwellings (as opposed to the currently proposed 24) has been submitted by the applicants and has been assessed on the Local Planning Authority's behalf by the District Valuer. To date, no assessment considering the viability of the 24 unit scheme and in the context of the most recent contribution requirements has been undertaken but, on the basis of the findings of the District Valuer in respect of the viability assessment already carried out (i.e. that no contributions could be afforded by the development), it would appear likely that an assessment based on the revised number of dwellings and contribution requests would result in similar conclusions, and it is on the basis of this assumption that the assessment below is made. Should members be minded to agree to the approach suggested, it is recommended that, prior to the Local Planning Authority entering into any Section 106 agreement, confirmation from the District Valuer be secured to the effect that it remains satisfied that, on the basis of the actual scheme and the current policy compliant contributions requested, the development would remain unviable.

Having regard to the above viability issues, the conclusions as set out below are reached in terms of the relevant contributions. [NB The contribution requests listed below are as per those received in respect of the previously proposed 21 unit scheme; any amendments to these requests received in the light of the December 2014 amendment to 24 units will be reported on the Update Sheet.]

Education

In respect of the proposed education contributions, Leicestershire County Council comments as follows:

Primary School Requirements:

The site falls within the catchment area of Coalville All Saints Church of England Primary School. The school has a net capacity of 210 and 351 pupils are projected on the roll should this development proceed, representing a deficit of 141 places. There are currently 66 pupil places included in the forecast figures for this school funded by Section 106 agreements from other developments in the area to be discounted, which reduces the deficit to 75 pupil places (of which 71 are existing and 4 would be created by this development).

There are three other primary schools within a two mile walking distance of the development, namely Belvoirdale Community Primary School (with a surplus of 16 places), Hugglescote Community Primary School (with a deficit of 37 places) and Broom Leys School (with a surplus of 40 places). When taking these into account, there would be an overall deficit in the primary sector of 56 pupil places and the Local Education Authority considers that a claim for an education contribution of 4 pupil places in the primary sector is justified, equating to £47,549.11.

High School Requirements:

The site falls within the catchment area of Newbridge High School. The school has a net capacity of 590 and 624 pupils are projected on roll should this development proceed, representing a deficit of 34 pupil places. There are currently 6 pupil places included in the forecast figures for this school funded by Section 106 agreements from other developments in the area to be discounted, which reduces the deficit to 28 pupil places (of which 26 are existing and 2 would be created by this development).

There is one other high school within a three mile walking distance of the development, namely Castle Rock High School (with a surplus of 40 places). When taking this into account, there would be an overall surplus in the high school sector of 12 pupil places and an education contribution is not therefore requested by the Local Education Authority in respect of this sector.

Upper School Requirements:

The site falls within the catchment area of Coalville King Edward VII Science and Sport College. The school has a net capacity of 1,193 and 1,074 pupils are projected on roll should this development proceed, representing a surplus of 119 pupil places. In addition, there is one other school within a 3 mile walking distance of the development (Stephenson College Studio School) which has a projected surplus of 210 pupil places. There is, therefore, an overall surplus of pupil places in this sector and an education contribution is not therefore requested by the Local Education Authority.

Library Services

Leicestershire County Council advises that an additional 30 users of Coalville Library are anticipated to be generated by the proposed development, requiring an additional 72 items of lending stock (plus reference, audio visual and homework support material), and a contribution of £1,130 is therefore sought by the County Council.

Civic Amenity

Leicestershire County Council advises that an additional 5 tonnes of waste per annum are anticipated to be generated and disposed of at Coalville Civic Amenity Site as a result of the proposed development, requiring improvements at the site so as to provide the increased capacity, and a contribution of £1,373 is therefore sought by the County Council.

Highways and Transportation

As set out under Means of Access and Traffic Issues above.

Children's Play and Public Open Space

Under the provisions of the District Council's Play Area Design Guidance Note SPG, children's play areas are required at a rate of 20sqm per dwelling, and all proposed dwellings should be within 400m walking distance of a facility.

Whilst it was originally proposed for the application to provide for an on-site children's play area, this element of the proposals is no longer included. The adopted SPG provides that, in certain circumstances, it may be appropriate to make a financial contribution towards the upgrading of an existing play area within 400m walking distance. However, there does not appear to be any such facility that would fulfil this requirement, and no contribution is proposed.

In addition to the above, a contribution of £26,400 has been requested by the District Council's Leisure and Cultural Services team towards improvements at Hermitage Leisure Centre. However, detailed calculations as to how the figure sought has been calculated has not been provided and, whilst the applicants do not in any event intend to make the contribution, it is not clear as to whether the request would in any event satisfy the tests in the CIL Regulations and NPPF.

National Forest Planting

When the application was previously considered, it was proposed to provide for on-site National Forest planting or the payment of a commuted sum of £5,700 in accordance with the relevant National Forest policy documents (although the relevant figure, based on the most recent National Forest standards, would now be £11,400 based on £20,000 per hectare of site area); again, having regard to the viability issues, however, it is no longer proposed to make this contribution.

Contributions to Repair and Enhanced Access of the Scheduled Monument

As set out under Heritage Issues above.

Healthcare

When the application was previously considered, it was proposed to make a contribution of between £583 and £1,750 per dwelling to the then Leicestershire County and Rutland Community Health Services in respect of healthcare. As per other contributions it is no longer proposed to make this contribution; again, however, detailed calculations as to how the figure sought has been calculated has not been provided and, whilst the applicants do not in any event intend to make the contribution, it is not clear as to whether the request would in any event satisfy the tests in the CIL Regulations and NPPF.

Developer Contribution Impacts on Sustainable Development

Having regard to the proposed non-provision of the range of contributions set out above, consideration needs to be given to the impacts of such non-provision, and the overall approach to such as set out in the NPPF.

Firstly, it is accepted that, in terms of the social dimension to sustainable development, the provision of a 100% affordable housing scheme would be of a clear benefit. Whilst the provision of such a scheme would not assist in terms of creating mixed and balanced communities (i.e. by way of the concentration of affordable tenure types separate from market housing), the overall contribution to sustainable development resulting from a fully affordable scheme is nevertheless considered positive. A significant housing need already exists within the District, and the recent Strategic Housing Market Assessment (SHMA) has indicated that the level of affordable housing provision within the District required to meet the identified need is 209 new affordable dwellings per annum between 2011 and 2036. In the years 2011/12, 2012/13 and 2013/14, the numbers of affordable houses built in the District were 57, 82 and 83 respectively and, therefore, even at current levels of provision, and notwithstanding a recent increase, the housing needs of many people within the District are not being met. A lack of affordable housing in the District would be likely to impact upon some of the most vulnerable people within the District and has the potential to increase the number of homelessness cases. As such, and particularly when considering the impacts arising from the recent prioritisation of contributions on larger sites towards transportation infrastructure over affordable housing, the provision of an additional 24

affordable units is considered to be a significant benefit. However, this has had the effect of reducing the viability of the scheme and needs to be balanced against the Government's support for Local Planning Authorities taking a flexible approach to developer contributions and viability (and as indicated in Paragraph ID ref. 10-019-20140306 of the DCLG's Planning Practice Guidance).

In terms of the adverse impacts on the sustainability of the development overall, these would accrue in terms of both the social and environmental dimensions as a result of the non-provision of contributions. In particular, it is noted that Leicestershire County Council requires contributions in respect of education, library services, civic amenity and transportation, and the non-provision of these contributions would impact upon the first three services listed above unless the County Council were to make good the shortfall itself. In terms of transportation, the measures sought are intended to reduce reliance on the private car, and some impacts in terms of congestion etc could result. Insofar as the financial contributions sought by Leicestershire County Council are concerned, however, it is noted that the land was within the ownership of the County Council. Assessment of the viability or otherwise of making contributions will in part be dependent on land value and, as such, the value of the land would have reflected the need for developer contributions and it would thus have been open to the County Council to either reduce the amount sought for the land (thus enhancing its viability) or, alternatively, to have used part of the capital receipts from the sale of the land towards providing the improvements to local services necessary to accommodate the proposed development.

In terms of the non-provision of children's play contributions, there would, it is considered, be an adverse impact on the social dimension, and children resident on the new development would not be within walking distance of a play facility, and with the resulting implications of that in terms of amenity and child development. Insofar as National Forest contributions are concerned, there would be an environmental impact on the wider National Forest in terms of the Forest's development and the provision of enhanced green infrastructure within the Forest but, having regard to the relatively small contribution involved, an unacceptable impact would not be considered to result when balanced against the other benefits of the scheme.

Overall, the impacts in terms of sustainable development are considered to be finely balanced, and the non-provision of various contributions would, it is considered, count against the overall sustainability credentials of the scheme. However, the view is taken that, in this instance, the social dimension benefits arising from the additional affordable housing provided in the Coalville area (wherein reduced contributions have needed to have been sought elsewhere due to the particular need to deliver additional transportation infrastructure) would be sufficient to outweigh the other social and environmental dimension impacts. Furthermore, insofar as some of the Leicestershire County Council service contributions are concerned, as landowner, the County Council would appear to have been in a position to ensure with the applicant that sufficient income generated by the land sale exists to accommodate the proposed development in infrastructure terms, should they choose to proceed with the development.

As per schemes elsewhere in the District whereby the full range of developer contributions have been demonstrated as unviable, it is considered that, should the Committee be minded to permit the application without the required range of CIL compliant measures, the development should be subject to a regular review mechanism (within the Section 106 agreement) during the build period. This would ensure that, should the viability of the scheme improve prior to completion such that some additional contributions can in fact be delivered (whilst remaining viable), the appropriate level of contributions are made accordingly (and that officers be provided with delegated authority to determine the appropriate distribution of any additional financial contributions secured in this way).

Other Matters

There are a number of trees within and adjacent to the site (primarily to the site periphery), and the application is supported by an arboricultural survey. The vast majority of the trees surveyed are of categories C (low value) and R (dead, dying or diseased). Of the two Category B trees, by virtue of their location (outside the far southern corner of the site and outside the proposed development area as indicated on the illustrative layout), neither would appear likely to be affected by the site's development (once the layout is determined at the reserved matters stage). Six existing trees at the likely point of vehicular access would be likely to need to be removed assuming this point of access is utilised at the reserved matters stage, but these are all of categories C and R, and their loss would not therefore be considered unacceptable. The District Council's Tree Officer has no objections to the proposals and, furthermore, advises that, at this stage, some remedial tree surgery would be appropriate.

Supporting ecological reports have been submitted in support of the application. Whilst the originally submitted report is now of some age, an updated survey has recently been provided. The County Council's Ecologist has no objections to the proposals, subject to the imposition of conditions relating to badgers, nesting birds, translocation of rare mosses, and removal of invasive species.

In terms of drainage, Severn Trent Water has no objections to the development, and the development of the site is considered acceptable in this regard.

Conclusions

Overall, it is concluded that, whilst there have been a number of changes to material planning circumstances such as in respect of the planning policy context (including the introduction of the NPPF and the revocation of the former East Midlands Regional Plan) and the implementation of the restoration works to the adjacent monument, none of the changes are such that a different decision would be appropriate and approval is again recommended.

For the viability reasons set out above, it is anticipated that the scheme would be unable to support developer contributions other than those as set out above and, subject to the District Valuer being satisfied that this remains the position in the context of the current contribution requests, it is recommended that Section 106 obligations are limited to:

- (i) Provision of all dwellings as affordable housing in accordance with details to be agreed by the District Council; and
- (ii) Submission and approval by the District Council (and subsequent ongoing implementation) of a forward management plan including measures designed to enhance public access to and appreciation of the adjacent scheduled monument.

Should it be agreed that the above approach would be acceptable, it is considered that the development should be subject to a regular review mechanism during the build period whereby, should the viability of the scheme improve prior to completion such that some additional contributions can be delivered whilst the scheme remains viable, the appropriate levels of contributions are made accordingly.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations, and subject to the following condition(s):

- 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, access and landscaping of the site (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 only.

- 3 This planning permission shall relate to the following plan(s), unless otherwise required by a condition of this permission:
 - Site location plan (6820 021) deposited with the Local Planning Authority on 22 September 2010

Reason - To determine the scope of this permission.

- 4 No work shall commence on site until such time as a scheme of drainage (including a timetable for its provision) has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and timetable.

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

- 5 No development shall commence on the site until such time as a Risk Based Land Contamination Assessment has been submitted to and agreed in writing by the Local Planning Authority. The Risk Based Land Contamination Assessment shall identify all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site and shall be carried out in accordance with:
 - BS10175:2011+A1:2013 Investigation of Potentially Contaminated Sites Code of Practice;
 - BS8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
 - BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and,
 - CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National

Planning Policy Framework.

- 6 If, pursuant to Condition 5 above, any unacceptable risks are identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan shall be submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004, and the Verification Plan shall be prepared in accordance with the requirements of Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010, and CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004. If, during the course of development, previously unidentified contamination is discovered, development shall cease on the affected part of the site and it shall be reported in writing to the Local Planning Authority within 10 working days. No work shall recommence on that part of the site until such time as a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) has been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the agreed details and thereafter be so maintained.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 7 None of the development hereby permitted shall be brought into use until such time as a Verification Investigation for the relevant part of the site has been undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme relevant to either the whole development or that part of the development. No part of the development (or, in the case of phased development, no part of the relevant phase) shall be brought into use until such time as a report showing the findings of the Verification Investigation has been submitted to and agreed in writing by the Local Planning Authority. The Verification Investigation Report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

Reason - To ensure that the land is fit for purpose, to ensure protection of controlled waters and to accord with the aims and objectives in respect of pollution as set out in the National Planning Policy Framework.

- 8 No work shall commence on site until such time as precise details of the measures proposed under Section 6.0 of the Extended Phase One Habitat Survey, Reptile Survey & Lower Plants Survey dated August 2014 prepared by WYG (including a timetable for implementation of such measures), have been submitted to and agreed in writing by the

Local Planning Authority. The development shall be carried out in accordance with the agreed measures and timetable.

Reason - In the interests of nature conservation.

- 9 No work shall commence on site until such time as full details of all measures proposed to be incorporated within the development designed to reduce exposure of occupiers of the proposed dwellings to noise have been submitted to and agreed in writing by the Local Planning Authority. No individual dwelling shall be occupied until such time as the agreed measures relating to the relevant dwelling have been provided in full and, once provided, the agreed measures shall thereafter be so maintained.

Reason - In the interests of the amenities of occupiers of the proposed dwellings.

- 10 No construction works shall take place at any time unless vehicle wheel cleansing facilities are provided within the site and are available for use by all vehicles exiting the site before entering the highway.

Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway, becoming a hazard for road users.

- 11 No work shall commence on site until such time as a scheme for the provision of vehicle parking facilities for construction vehicles (including at the various stages of development, as appropriate) has been submitted to and agreed in writing by the Local Planning Authority. The agreed facilities for the relevant phase of construction shall be provided in full and be available for use by construction vehicles unless any alteration is first agreed in writing by the Local Planning Authority.

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

Notes to applicant

- 1 Planning permission has 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 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:
- Collapse of shallow coal mine workings.
 - Collapse of, or risk of entry into, mine entries (shafts and adits).
 - Gas emissions from coal mines including methane and carbon dioxide.

- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

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

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

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

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

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

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

- 3 This decision is in accordance with the resolution of the Planning Committee of 6 January 2015, and is subject to a Section 106 Obligation.
- 4 The applicants are advised that the scheme proposed at the reserved matters stage should have regard to the setting of the adjacent scheduled monument.
- 5 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport.
- 6 Your attention is drawn to the attached report of the District Council's Tree Officer.

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Demolition of Public House and change of use of land to a residential mobile home park

**Report Item No
A2**

Navigation Inn 166 Spring Cottage Road Overseal Swadlincote

**Application Reference
14/00875/FUL**

**Applicant:
Tom Hartley Park Homes**

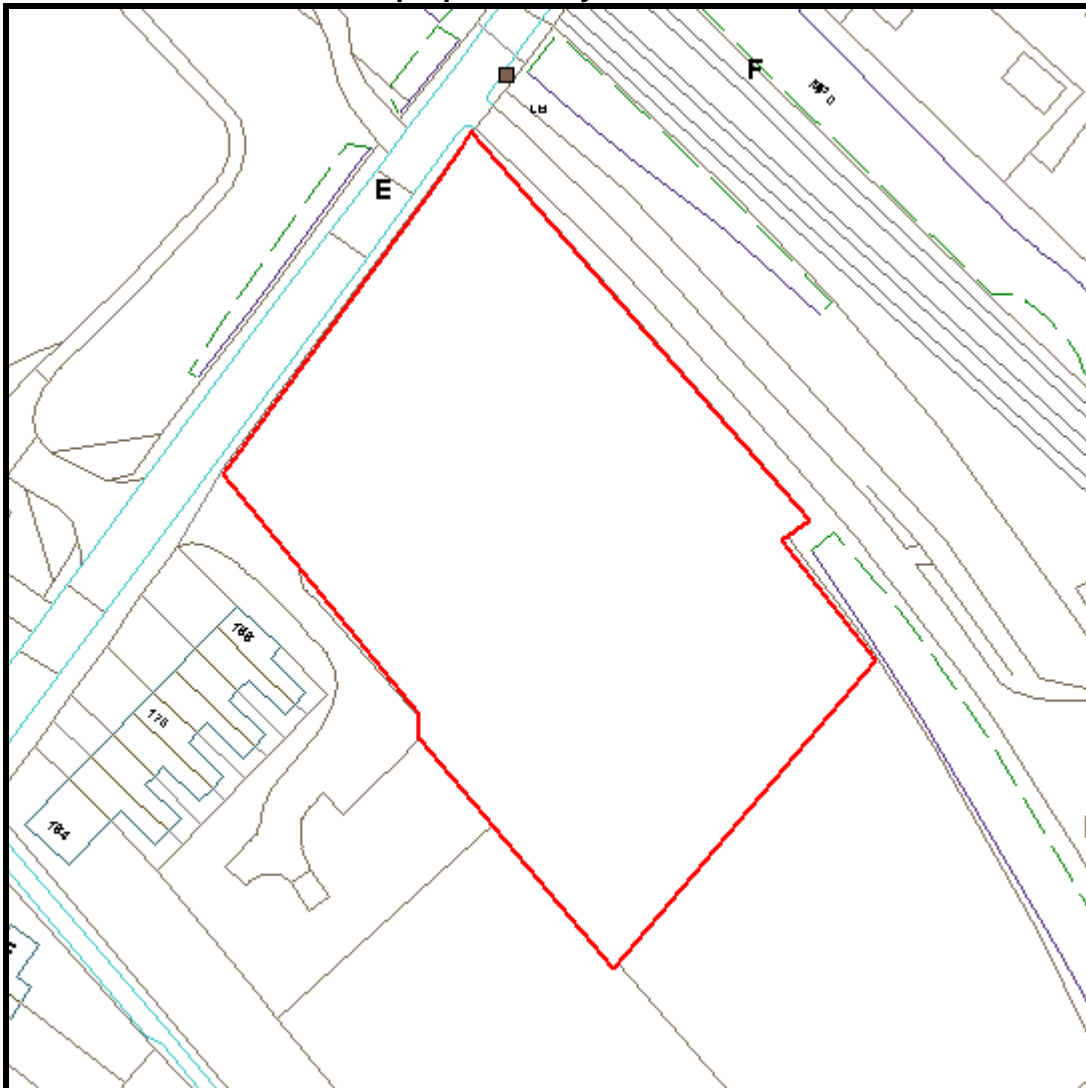
**Date Registered
24 September 2014**

**Case Officer:
Ebony Mattley**

**Target Decision Date
19 November 2014**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Reason for Call In

The application is reported to the Planning Committee at the request of Councillor John Bridges on the grounds of public interest.

Proposal

Planning permission is sought for the demolition of the existing Public House and the use of land as a residential mobile home park, to accommodate up to 11 mobile homes at the Navigation Inn, Spring Cottage Road, Overseal.

Consultations

Members will see from the main report that there is one letter of support. With the exception of Ashby Woulds Town Council and the County Highway Authority there are no other objections raised from consultees.

Planning Policy

The frontage part of the site lies within Limits to Development, with a small portion of the site to the rear of the site, falling outside Limits to Development, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

Conclusion

The majority of the site would be located within defined limits, where there is a presumption in favour of development subject to all other matters being addressed. This brownfield site is reasonably well related to existing built development such that the proposal would not result in truly isolated housing in the countryside, and is well related to Overseal which could provide occupiers of the proposed mobile homes with services and facilities to meet day to day needs. There is no evidence to demonstrate that this building should remain as a public house as it would be unviable to do so.

The development would not give rise to any significant material impacts upon the occupiers of future or neighbouring dwellings, highway safety, ecology or River Mease SAC/SSSI and no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies.

It is therefore recommended that planning permission be approved, subject to the imposition of planning conditions.

RECOMMENDATION:- PERMIT, SUBJECT TO THE IMPOSITION OF 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 recommendations, 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 demolition of the existing Public House and the use of land as a residential mobile home park, at the Navigation Inn, Spring Cottage Road, Overseal.

The application seeks to obtain planning permission for the use of land as a residential mobile home park and a plan has been submitted demonstrating that eleven mobile homes could be accommodated on the site. It is considered that the role of the planning authority would be to assess the use of the land with the matters of layout and detailed development being controlled by a Site Licence. Following the establishment of the use of the land the necessary services and incidental development, such as bases, access road and storage sheds, would then be considered 'permitted development' following the approval of a layout plan under the Site Licence.

The submission is made on the basis that the units would be two bedroomed units and are likely to be occupied by persons at, or close to, retirement age.

During the course of the application, following representation from Network Rail regarding land ownership, the site boundary of the application has been amended and re-consultation has been undertaken with all statutory consultees and neighbours for a period of 14 days.

The application is accompanied by a Bat Building Assessment, Planning Statement, River Mease Statement and a Coal Mining Risk Assessment.

The frontage part of the site lies within Limits to Development, with the rear of the site, falling outside Limits to Development, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

Planning History:-

Planning history in relation to the Public House.

2. Publicity

15 neighbours have been notified (date of last notification 03 November 2014)

Site Notice displayed 17 October 2014

Press Notice published 22 October 2014

3. Consultations

LCC ecology
County Highway Authority
Environment Agency
Coal Authority
Severn Trent Water Limited
Natural England
Head of Environmental Protection
Development Plans
Ashby Woulds Town Council

Network Rail

4. Summary of Representations Received

The following summary of representations is provided.

Ashby Woulds Town Council objects to the application on the following grounds:-

- a) Highway - highway safety for pedestrians
- b) Local economy - loss of only amenity in the village
- c) Impact on the village and comings and goings from the site.

Leicestershire County Council - Highways object to the application on sustainability grounds.

Leicestershire County Council - Ecology has no objection.

Environment Agency does not wish to make any formal comment.

Network Rail has no objection in principle, subject to requirements being met.

National Forest does not wish to make any formal comment or request a contribution as this application falls below their threshold.

NWLDC Environmental Protection has no environmental observations.

Third Party Representations

One letter has been submitted stating that in the past Great Crested Newts have been present and that it would be worth a survey being undertaken.

One letter of support has been received that the following:-

- a) Is not a viable business
- b) The brewery rents and rates are too high
- c) Pub is now an eyesore and youths are smashing the site and setting fires
- d) Hope that planning permission be granted quickly.

5. Relevant Planning Policy

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012

North West Leicestershire Local Plan

S2 - Limits to Development

S3 - Countryside

H13 - Mobile Homes
 E3 - Residential Amenities
 E4 - Design
 E7 - Landscaping
 T3 - Highway Standards
 T8 - Parking

Emerging Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Other Guidance

National Planning Practice Guidance - March 2014.
 The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').
 Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).
 River Mease Water Quality Management Plan - August 2011.
 River Mease Development Contributions Scheme - November 2012.

6. Assessment

The main considerations with regards to this application are the principle of development, siting and design, impact upon residential amenity, highway considerations, impact upon the River Mease Special Area of Conservation/SSSI and other matters.

Principle of Development

Principle of Development and Sustainability

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

The frontage part of the site lies within Limits to Development, with the rear of the site, falling outside Limits to Development, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

The principle of residential development, within Limits to Development, is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations.

The part of the site, which lies outside Limits to Development would fall to be considered against Policy S3 of the Local Plan. The scheme is for mobile homes and therefore residential development and would not meet the criteria for development in the countryside and the scheme would therefore be contrary to the provisions of S3.

Notwithstanding part of the site's countryside location, in determining the application, regard must be had to other material considerations, including other Development Plan policies and whether the proposal constitutes sustainable development (including in its economic, social and

environmental roles) given the presumption in favour of such as set out in the NPPF.

The overarching principle of the NPPF is to protect the countryside but to allow sustainable development where "appropriate" and encourage the effective use of land by re-using land that have been previously developed (brownfield land).

It is considered that the majority of the site falls within Limits to Development, and the rear part of the site, which is outside Limits to Development adjoins the settlement boundary, in addition to being bound by existing residential development to the south west and by railway infrastructure and built development to the north east. Insofar as the site's location is concerned, whilst a small part of the site it is located outside of Limits to Development, the site is well related to the settlement boundary, is bounded by existing development and is not therefore considered to be an isolated development in the countryside.

The proposal is to meet a genuine need, within Limits to Development and is not located in an area of Particularly Attractive Countryside, or any other area afforded special protection in this Local Plan and well related to the existing settlement, and is therefore in conformity with Saved Policy H13.

The site is also brownfield in nature and is not of a high environmental value and therefore the NPPF encourages this use of land, in principle.

The scheme has been considered by the County Highway Authority (CHA) who object for the following reason:-

"The Applicant has failed to demonstrate that their proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport. Leicestershire County Council policy contained in the 'Local Transport Plan 3' and policy IN6 of the '6Cs Design Guide' seek to deliver new development in areas where travel distances can be minimised, and genuine, safe and high quality choices are available (or can be provided) for people to walk, cycle and use public transport facilities and services nearby. The 'LTP3' and the '6Cs Design Guide' reflect Government guidance contained in the 'National Planning Policy Framework.'"

The application site is located within the settlement of Spring Cottage which is relatively isolated with few services and facilities, with just a play area and football pitch. However, the site is reasonably well related to Overseal and although this settlement is outside the District boundary (within South Derbyshire) it does have a good range of services and facilities, which could be used by occupiers of the proposed mobile homes. These include a primary school, doctor's surgery, shops, public houses and a village hall.

In addition, there is an hourly bus service during the day to Swadlincote, Burton on Trent and Ashby de la Zouch, along with smaller settlements.

It is therefore considered that an objection on these grounds could not sustain a reason for refusal in this case. In addition, the Local Planning Authority did not consider that Spring Cottage Road, Overseal was an un-sustainable location within application ref: 13/00648/FULM (erection of 14 dwellings at Swainspark Site, Spring Cottage Road) which was considered by Planning Committee in November 2013.

As set out above, whilst part of the site is located outside the Limits to Development, the majority of the site is located within the settlement of Spring Cottage, which although does not benefit from a range of services and facilities, is well related to Overseal which could provide

occupiers of the proposed mobile homes with services and facilities to meet day to day needs. Furthermore, it is considered that the development would be reasonably well related to existing built development such that the proposal would not result in truly isolated development in the countryside, and is sited on brownfield - previously developed land. Therefore, taking these factors into account, it is considered that the principle of residential, mobile home development on this site is considered acceptable.

For the reasons discussed below there is no objection to the loss of the public house for residential development, in this specific case.

Loss of Public House

Paragraph 70 within the National Planning Policy Framework states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

Paragraph 28 within the NPPF also states that to promote a strong rural economy, local and neighbourhood plans should promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sport venues, cultural buildings, public houses and places of worship.

The application has been accompanied by a planning statement which outlines the following:-

- o As a result of the downturn in the economy and nearby competition has led to the pub struggling as a business for many years
- o The licensee prior to the last was left bankrupt under the financial strain of the public house.
- o The previous licensee ran the premises for 3 years from 2011 to 2013 where trade was seasonal and weather dependent. During these times takings for November to April could be as low as 50% below the pub's break even figure.
- o The previous licensee left in Autumn 2013 with significant debt, and there has not been a pub operator interested in running the Navigation Inn as a public house since this time.

There has been no significant objection from members of the public and the applicant has provided sufficient detail to demonstrate that there is no viable commercial interest and as such in this particular case, there is no evidence to demonstrate that this building should remain as a public house and therefore the principle of demolition and residential development is considered to be acceptable.

Siting and Design

The supporting plans have demonstrated that a total of eleven mobile homes could be placed on the site. It is considered that a planning condition could be imposed on any consent to agree the amount of units which would be placed on the site, but the specific details of the design, size and siting of the units could not be controlled by virtue of the fact that they would be deemed to be 'mobile.' In any case, a caravan site licence would be required for the proposal and the requirements of this would ensure that the design and relationship with neighbouring properties would be acceptable.

Given the existing built development, being dwellings and railway infrastructure surrounding the site, it is not considered that the siting of the mobile homes would result in any significant visual

harm to the character of the area

Proposed landscaping is identified on the submitted plans and it is considered that a suitably worded condition would ensure that adequate, as well as suitable, landscaping is provided as part of the development.

Impact upon Residential Amenity

It is considered that the properties most immediately affected by the proposed development would be those situated on Spring Cottage Road, to the south west of the site.

It is considered that the distance of 11 metres between the side wall of No. 168 Spring Cottage Road and the rear of the mobile homes, (sited to the south of the site) would be sufficient to ensure no significant overlooking, overshadowing or overbearing impacts.

Each mobile home would have its own curtilage, and as such the level of movement between the mobile home and their private amenity space would be no greater than that of a typical dwelling which should not create a sufficiently detrimental noise impact.

The plan submitted shows a distance of 6.5 metres that would exist between each mobile home and this distance is considered sufficient in ensuring the amenity of any occupants would be preserved.

The scheme is considered to have minimal impacts upon amenity of existing neighbouring or future occupiers. As such the scheme is considered to be in accordance with Saved Policy E3 of the Local Plan.

Highway Considerations

Access is proposed from Spring Cottage Road and the mobile homes would be served off a central access road, with each unit having its own parking spaces.

As discussed above, the CHA have raised an objection on sustainability grounds and have not made any further representations in respect of highway safety. It is recommended that suitably worded conditions are imposed in respect of the proposed access.

In summary, subject to the imposition of conditions it is considered that the scheme is acceptable in relation to Saved Policies T3 and T8 of the Local Plan.

Impact on the River Mease Special Area of Conservation/SSSI

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 and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to national planning guidance in the NPPF. 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.

The River Mease Water Quality Management Plan (WQMP) was drawn up to ensure there is no

adverse impact on the SAC from further development and includes an action to establish a developer contribution framework to fund a programme of actions to restore and provide new benefits to the river. The River Mease Developer Contribution Scheme (DCS) has been adopted to meet this action of the WQMP so that the costs of improving the quality of the water in the river are met by potential developers. The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS has been assessed against and is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations, which are also set out at paragraph 204 of the NPPF.

The applicant has provided specific details in respect of the foul drainage levels. The applicant has confirmed that the proposed contribution would be some 4680 litres per day, based on an assumed 6x2 bedroom and 5 x 1 bedroom units, however it is extremely difficult to calculate the loads associated with the existing pub, as this is based upon detailed information of the number of drinkers, those taking food and type of food, staff levels, overnight guests etc and requires information for peak flows such as mother's day etc.

The applicant also states that the Navigation Inn closed some time ago but when operating had two bars and a function room at the rear; it also had residential accommodation above. In the past there were regular functions and in summer months there have been music festivals outside with overnight camping, family fun days and the general range of activities which publicans use to encourage customers in and that summer peaks will have been considerably higher than winter lows.

It is therefore considered that when having regard to the existing activities which have currently existed on site, in comparison to the proposed scheme, it is not considered to result in any significant increase in foul water and therefore it is not considered that a contribution can be requested in this case.

The flows from the proposed mobile homes need to be taken into account against the existing headroom at Donisthorpe Treatment Works. Where there is no existing capacity at the time of determination a condition is proposed which seeks to prevent occupation of the mobile homes until additional capacity has been provided at Donisthorpe Treatment Works. Accordingly whilst there is no current capacity at Donisthorpe, in time Severn Trent will facilitate the transfer of some capacity to treatment works (Packington and Snarestone) to create such capacity for the 11 mobile homes. As such a reason for refusal based on limited capacity at the treatment works could not be justified.

A condition relating to the technical details of foul drainage is not required as the principle of connecting to the mains sewer has been established and the details of drainage are dealt with by separate legislation under the Building Regulations and by Severn Trent Water.

Surface water from all elements of the proposal will need to discharge to a soakaway to ensure that unnecessary water volume does not go to the sewage treatment plant and this can be required by condition.

Therefore it can be ascertained that either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Other Matters

Ecology

The application has been accompanied by a Bat Building Assessment, which has been considered by the County Ecologist who raises no objections.

Coal

The site lies within the Coal Authority Referral Area and accordingly a Coal Mining Risk Assessment accompanied the application submission. The Coal Authority has been consulted on the application and concurs with the recommendations of the Coal Mining Risk Assessment and recommends a condition be imposed requiring site investigation works, prior to the commencement of development.

Age Restriction

Although the application specifies that the mobile homes would be intended for people at, or approaching, retirement it is considered that it would be unreasonable to place such a restriction on the application given that the occupation of the mobile homes would be an acceptable form of accommodation for any social class, as such they should not be prevented from residing in the units should there be a lack of demand from the target audience.

Conclusion

In conclusion, the majority of the site would be located within defined limits, where there is a presumption in favour of development subject to all other matters being addressed. This brownfield site is reasonably well related to existing built development such that the proposal would not result in truly isolated housing in the countryside, and is well related to Overseal which could provide occupiers of the proposed mobile homes with services and facilities to meet day to day needs. There is no evidence to demonstrate that this building should remain as a public house as it would be unviable to do so. The development would not give rise to any significant material impacts upon the occupiers of future or neighbouring dwellings, highway safety, ecology or River Mease SAC/SSSI and no other material impacts have been identified, that would indicate that the proposal is not in compliance with local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

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 proposed development shall be carried out strictly in accordance with the following amended plans, unless otherwise required by a condition of this permission: Site Local Plan rev. A and Site Plan as Proposed Drawing No. NI/PL/10 B received by the Local Planning Authority on 5 November 2014.

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

- 3 The site shall not accommodate more than eleven mobile homes in accordance with the information specified on the drawing reference NI/PL/10 B, received by the Local Authority on the 5 November 2014.

Reason - To ensure that the residential and visual amenities of the area are preserved as well as in the interests of highway safety.

- 4 Notwithstanding the details shown on drawing number NI/PL/10 B, received by the Local Authority on the 5 November 2014, or provisions of Condition 2 above, no development shall commence on the site until a landscaping scheme (showing existing planting to be retained and proposed planting) has first been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented in the first planting and seeding season following either the first implementation of the use hereby permitted unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter in perpetuity, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason - To ensure satisfactory landscaping is provided to mitigate the visual impacts on the adjacent heritage asset.

- 5 No development shall commence on site until such time as details of:
- a) the means of disposal of surface water from the site to soakaways or other sustainable drainage system; or
 - b) evidence to demonstrate that these means of drainage are not suitable for the site and alternative details of surface water discharge to mains sewer;

have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details which shall thereafter be so retained.

Reason - To prevent an adverse impact on the River Mease Special Area of Conservation.

- 6 No mobile homes hereby approved shall not be occupied until Severn Trent Water has stated in writing to the Local Planning Authority that there is sufficient headroom capacity available at Donisthorpe Waste Water Treatment Works or elsewhere within Severn Trent Water's sewer system to take the foul drainage discharge from the dwellings hereby approved.

Reason- To ensure sufficient capacity is available at the treatment works and to prevent an adverse impact on the River Mease Special Area of Conservation/SSSI.

- 7 Before first use occupation of any mobile home hereby approved, the access width for the first 15 metres and visibility splays at the junction of the access with Spring Cottage Road shall be provided in accordance with the submitted details: Proposed Access Drawing no. NI/PL/11 and maintained thereafter. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

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 and 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.

- 8 Any gates, barriers, bollards, chains or other such obstructions to the vehicular access shall be set back a distance of a minimum of 15 metres from the highway boundary and shall be hung so as to open inwards only.

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

Notes to applicant

- 1 Planning permission has 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 The applicant's attention is drawn to specific requirements from the Asset Protection Project Manager at Network Rail - assetprotectionlne@networkrail.co.uk

Erection of two semi-detached dwellings and associated works (re-submission of 11/00160/FUL)

Report Item No
A3

15 Ashby Road Donisthorpe Swadlincote Derby

Application Reference
14/01006/FUL

Applicant:
Mr Lee Bridges

Date Registered
7 November 2014

Case Officer:
Ebony Mattley

Target Decision Date
2 January 2015

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application falls to be determined by the Planning Committee as the applicant is the son of Councillor Bridges.

Proposal

Planning permission is sought for the erection of two three bed dwellings (semi-detached) between Nos. 13 and 15 Ashby Road.

Consultations

Members will see from the main report below, that there have been no objections from statutory consultees, with one letter of objection from a neighbouring resident.

Planning Policy

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.

Conclusion

In conclusion, the principle of residential development on this site has already been established by the granting of full planning permission ref: 11/00356/FUL. Since the latest granting of planning permission the NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area, or highway safety and would not be likely to have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. A unilateral undertaking is currently under negotiation and subject to the acceptability of this, it is recommended that planning permission be granted, subject to the imposition of planning conditions.

RECOMMENDATION:- PERMIT, SUBJECT TO A UNILATERAL UNDERTAKING AND SUBJECT TO THE IMPOSITION OF 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 and the Officer's assessment, 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 three bed dwellings (semi-detached) between Nos. 13 and 15 Ashby Road.

The proposed dwellings would occupy a footprint of 7.4 metres in width by a maximum of 13 metres in length. The height of the dwellings to the eaves would be 5.9 metres and a maximum of 11.45 metres to the highest ridge.

The site is currently garden area associated with No.15 Ashby Road, and also includes a drive associated with that property and is located within Limits to Development, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

Planning History:-

11/00160/FUL - Erection of two no. semi-detached three bedroom dwellings and associated landscaping - Approved - 09.11.2011.

Outline planning application 06/01813/OUT was made in 2006 for one dwelling adjacent to No.13 Ashby Road which provided for a shared access for the proposed and existing dwelling at No.15 Ashby Road. The application included details of layout, scale, appearance and access. The application was refused on Policy H4/1 sequential approach for housing, design and amenity grounds but the matter was not challenged at appeal.

2. Publicity

10 Neighbours have been notified (Date of last notification 14 November 2014)

Site Notice displayed 18 November 2014

3. Consultations

Oakthorpe & Donisthorpe Parish Council consulted 14 November 2014

County Highway Authority consulted

Environment Agency consulted 14 November 2014

Severn Trent Water Limited consulted 14 November 2014

Head of Environmental Protection consulted 14 November 2014

Natural England consulted 14 November 2014

4. Summary of Representations Received

The following summary of representations is provided.

Leicestershire County Council - Highways raises no objections, subject to the imposition of conditions.

Natural England raise no objections.

Environment Agency do not wish to make any formal comment.

NWLDC Environmental Protection has no environmental observations.

Third Party Representations

One letter of objection has been received raising the following concerns:-

- o First and floor rear windows will be adversely affected to full light
- o The three storey building will take away any sunlight coming from the south and be 1 metre from the boundary, so any side window will look into the rear bedroom.
- o The modern design is not in keeping with the character of the adjacent properties, and give a slum like appearance.
- o More cars will want parking spaces along Ashby Road and what will happen to the children attending Donsithorpe School or if any emergency services need to get through.

5. Relevant Planning Policy

National Policy Guidance

The National Planning Policy Framework (NPPF) March 2012
The Community Infrastructure Levy (CIL) Regulations 2010

North West Leicestershire Local Plan

S2 - Limits to Development
E3 - Residential Amenities
E4 - Design
E7 - Landscaping
T3 - Highway Standards
T8 - Parking

Emerging Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Other Guidance

National Planning Practice Guidance - March 2014.
The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).
River Mease Water Quality Management Plan - August 2011.
River Mease Development Contributions Scheme - November 2012.

6. Assessment

The main issues for consideration in the determination of this application relate to the principle of development, siting and design and impact upon character, impact upon residential amenity, highway considerations and impact upon the River Mease Special Area of Conservation/SSSI.

Principle of Development

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.

The principle of residential development on this site has already been established by the granting of full planning permission ref: 11/00356/FUL which lapsed on 9 November 2014.

Since the latest granting of planning permission in November 2011 the National Planning Policy Framework (NPPF) has been published and introduces the presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved without delay and where relevant policies are out of date planning permission should be granted unless the adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The settlement of Donisthorpe benefits from a range of local services and is readily accessible via public transport. The proposal for the erection of new residential dwellings is, therefore, considered to score well against the sustainability advice in the NPPF.

Siting and Design and Impact upon Character

The site is currently used as garden land, which is excluded from the definition of previously developed land set out in the NPPF, and therefore effectively constitutes a greenfield site. Paragraph 53 within the National Planning Policy Framework states that 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.

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

The pattern of existing residential development in the immediate vicinity of the site is predominantly characterised by dwellings within linear plots, set back from the road frontage with a small garden or driveway, with rear gardens. The area is also characterised by two storey semi-detached properties. The existing built development provides a sense of enclosure to the street and has a clearly recognisable character.

The proposed dwelling is proposed to be sited in a similar, set back position from the highway, to the neighbouring dwellings, within parking proposed to the front, and the layout is therefore characteristic of the surrounding area.

The footprint, is similar to the footprint of neighbouring dwellings, and given that the immediate

area is characterised by 2 storey semi-detached dwellings, it is considered that the 2 storey proportions and semi-detached configuration is considered acceptable in this case.

The submitted plans indicate that amenity space would be provided for the two new units, and that an area of garden would be retained for the existing dwelling at No.15 Ashby Road. Whilst the amenity space associated with that property has been reduced it would remain at an acceptable level.

In respect of design, whilst the overall design is contemporary, the positioning of the door and window openings follow the rhythm of the adjacent late Victorian dwellings to form a harmonious effect within the streetscene.

Overall the proposed development accords with the general siting and scale of existing dwellings within the vicinity, ensuring that the development appears in keeping with the scale and character of existing dwellings and the design approach is considered acceptable.

Impact upon Residential Amenity

The dwellings would be sited in the same position as those approved within the 2011 application ref: 11/00356/FUL. It was previously considered that there would be no significant impacts upon occupiers of neighbouring properties.

In response to the letter of objection, the proposed dwellings would have the outer corners 'cut off' at the rear to ensure that natural light would not be cut off from any side windows of Nos. 13 and 15 Ashby Road. It should be noted that the outlook from the main windows of those properties is to the north east and not towards the application site. The main outlook from the proposed dwellings would also be to the north east. The 'cut off' corners ensure that the bulk of the development is in line with the main bodies of the adjacent dwellings. In addition, the distance separation between the proposed dwellings and the neighbouring properties is similar to that which separates existing dwellings along the street.

Overall, it is considered that the development would not have any significant detrimental impact upon neighbouring residential amenities and the proposal is considered to be acceptable in relation to Policy E3 (Residential Amenity) of the Local Plan.

Highway Considerations

The scheme proposes three parking spaces for the two proposed dwelling and two spaces for the host dwelling No. 15 Ashby Road, identical to the arrangement approved within the 2011 application.

The County Highway Authority (CHA) raises no objections, subject to the imposition of planning conditions.

In summary, subject to the imposition of conditions it is considered that the scheme is acceptable in relation to Saved Policies T3 and T8 of the Local Plan.

Impact on the River Mease Special Area of Conservation/SSSI

Since this application was last considered the River Mease SAC Developer Contribution Scheme has now been adopted.

The River Mease Water Quality Management Plan (WQMP) has been drawn up to ensure there is no adverse impact on the SAC from further development and includes an action to establish a developer contribution framework to fund a programme of actions to restore and provide new benefits to the river. The River Mease Developer Contribution Scheme (DCS) has been produced to meet this action of the WQMP so that the costs of improving the quality of the water in the river are met by potential developers. The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS has been assessed against and is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations, which are also set out at paragraph 204 of the NPPF.

The application proposes that foul drainage would be dealt with via the mains sewer system. Therefore the proposal will increase the foul drainage discharge from the site and as such it is subject to the requirements of the DCS, which needs to be secured in a legal agreement.

A contribution under the River Mease DCS is required but an exact figure for the contribution cannot be determined at this stage, as the code levels of the dwellings has not been finalised. The contribution would be based on the provision of two three bedroomed dwellings and dependent upon the code level would cost between £169 and £253, per dwelling. A Unilateral Undertaking would be worded as such to allow flexibility based on the construction code levels.

The flows from the proposed dwellings need to be taken into account against the existing headroom at Donisthorpe Treatment Works. Where there is no existing capacity at the time of determination a condition is proposed which seeks to prevent occupation of the proposed dwellings until additional capacity has been provided at Donisthorpe Treatment Works.

Accordingly whilst there is no current capacity at Donisthorpe, in time Severn Trent will facilitate the transfer of some capacity to treatment works (Packington and Snarestone) to create such capacity for 2 dwellings. As such a reason for refusal based on limited capacity at the treatment works could not be justified.

The submitted details confirm that surface water will be disposed of by way of soakway or sustainable drainage system. As surface water should discharge to a soakaway or sustainable drainage system, to ensure that unnecessary water volume does not go to the sewage treatment plant, a condition to this affect is imposed.

Therefore based on the above it can be ascertained that the proposal site would not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Conclusion

In conclusion, the principle of residential development on this site has already been established by the granting of full planning permission ref: 11/00356/FUL. Since the latest granting of planning permission the NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable. The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area, or highway safety and would not be likely to have a significant effect on the internationally important interest features of the River Mease SAC, or

any of the features of special scientific interest of the River Mease SSSI. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. A unilateral undertaking is currently under negotiation and subject to the acceptability of this, it is recommended that planning permission be granted, subject to the imposition of planning conditions.

RECOMMENDATION:- Permit, subject to a unilateral undertaking and 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 proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission: Site Location Plan Drawing No. 3001/SK/013-B; Site Plan Drawing No. 3001/SK/016-C; Front & Rear Elevations Drawing No .3001/SK/011-B; Side Elevations Drawing No. 3001/SK/012-B; Floor Layouts Drawing No. 3001/SK/010-B; Side Sections Drawing No. 3001/SK/015-B and Levels and Foul Drainage Drawing No. 3001/SK/014-D received by the Local Planning Authority on the 7 November 2014.

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

- 3 No development shall commence on site until representative samples of the materials to be used in all external surfaces of the dwellings have been submitted to and agreed in writing with the Local Planning Authority. The works shall be undertaken in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain control over the external appearance in the absence of details.

- 4 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on the site until such time as a detailed scheme for the boundary treatment of the site has been submitted to and agreed in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until such time as the approved scheme has been implemented in full (unless an alternative timescale is first agreed in writing by the Local Planning Authority). Notwithstanding the provisions of Part 2 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) no gates, fences, walls or other means of enclosure (other than any approved pursuant to this condition) shall be erected, unless planning permission has first been granted by the Local Planning Authority.

Reason - To preserve the amenities of the locality.

- 5 Notwithstanding the submitted details or provisions of Condition 2 above, no development shall commence on the site until a landscaping scheme (showing existing planting to be retained and proposed planting) has first been submitted to and agreed in

writing by the Local Planning Authority. The agreed scheme shall be implemented in the first planting and seeding season following either the first implementation of the use hereby permitted unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter in perpetuity, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason - To ensure satisfactory landscaping is provided within a reasonable period and to provide a reasonable period for the replacement of any trees.

- 6 No development shall commence on site until such time as details of:
- a) the means of disposal of surface water from the site to soakaways or other sustainable drainage system; or
 - b) evidence to demonstrate that these means of drainage are not suitable for the site and alternative details of surface water discharge to mains sewer;

have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details which shall thereafter be so retained.

Reason - To prevent an adverse impact on the River Mease Special Area of Conservation.

- 7 The dwellings hereby approved shall not be occupied until Severn Trent Water has stated in writing to the Local Planning Authority that there is sufficient headroom capacity available at Donisthorpe Waste Water Treatment Works or elsewhere within Severn Trent Water's sewer system to take the foul drainage discharge from the dwellings hereby approved.

Reason - To ensure sufficient capacity is available at the treatment works and to prevent an adverse impact on the River Mease Special Area of Conservation/SSSI.

- 8 Before first occupation of any dwellings hereby permitted, any walls, planting or fences at the highway boundary shall be reduced in height and maintained in perpetuity at a maximum of 0.6 metres above the level of the back of the footway. No new walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.6 metres in height above the level of the back of the footway.

Reason - In the interests of pedestrian safety.

- 9 Before first occupation of the dwellings hereby approved, the car parking provision for the two proposed dwellings, and existing dwelling (No. 15 Ashby Road, Donisthorpe) shall be made within the curtilage in accordance with the approved plans Site Plan Drawing No. 3001/SK/016-C received by the Local Planning Authority on 7 November 2014. 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 facilities are available.

- 10 Before first use of the access drive(s)/parking spaces, they 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 (back of footway) and shall

be so maintained at all times.

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

- 11 Before first use of the development hereby permitted, the existing gates to the vehicular access shall be removed.

Reason - To enable vehicles to clear the highway and protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 12 The gradient of the access drives/parking spaces shall not exceed 1:12 for the first 5 metres behind the Highway boundary (back of footway).

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

- 13 No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason - To enable vehicles to clear the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 14 The finished ground and floor levels shall be carried out in accordance with 'Levels and Foul Drainage Plan' Drawing No. 3001/SK/014-D received by the Local Planning Authority on 7 November 2014, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority.

- 15 The windows shown as obscure glazed on 'Floor Layouts' Drawing No. 3001/SK/010-b received by the Local Planning Authority on 7 November 2014 shall be glazed with obscure glass to Pilkington Standard 3 (or equivalent) which shall thereafter be retained unless planning permission has first been granted by the Local Planning Authority.

Reason - To ensure that the development is not detrimental to the privacy and amenities of the neighbouring property.

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by (Amendment) (No.2) (England) Order 2008 (or any order revoking or re-enacting that Order with or without modification) development within Schedule 2, Part 1 Classes A to E inclusive shall not be carried out on the residential units unless planning permission for such development has first been granted by the Local Planning Authority.

Reason - To ensure that existing standards or privacy and visual amenity are maintained.

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 This planning permission does NOT allow you 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" at www.leics.gov.uk/6csdg
For other minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.
- 3 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.

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Erection of part two storey, part single storey side and rear extensions to farm workers dwelling

Report Item No
A4

The Orchard Nottingham Road Ashby De La Zouch
Leicestershire

Application Reference
14/00980/FUL

Applicant:
Mr Mark Hewitt

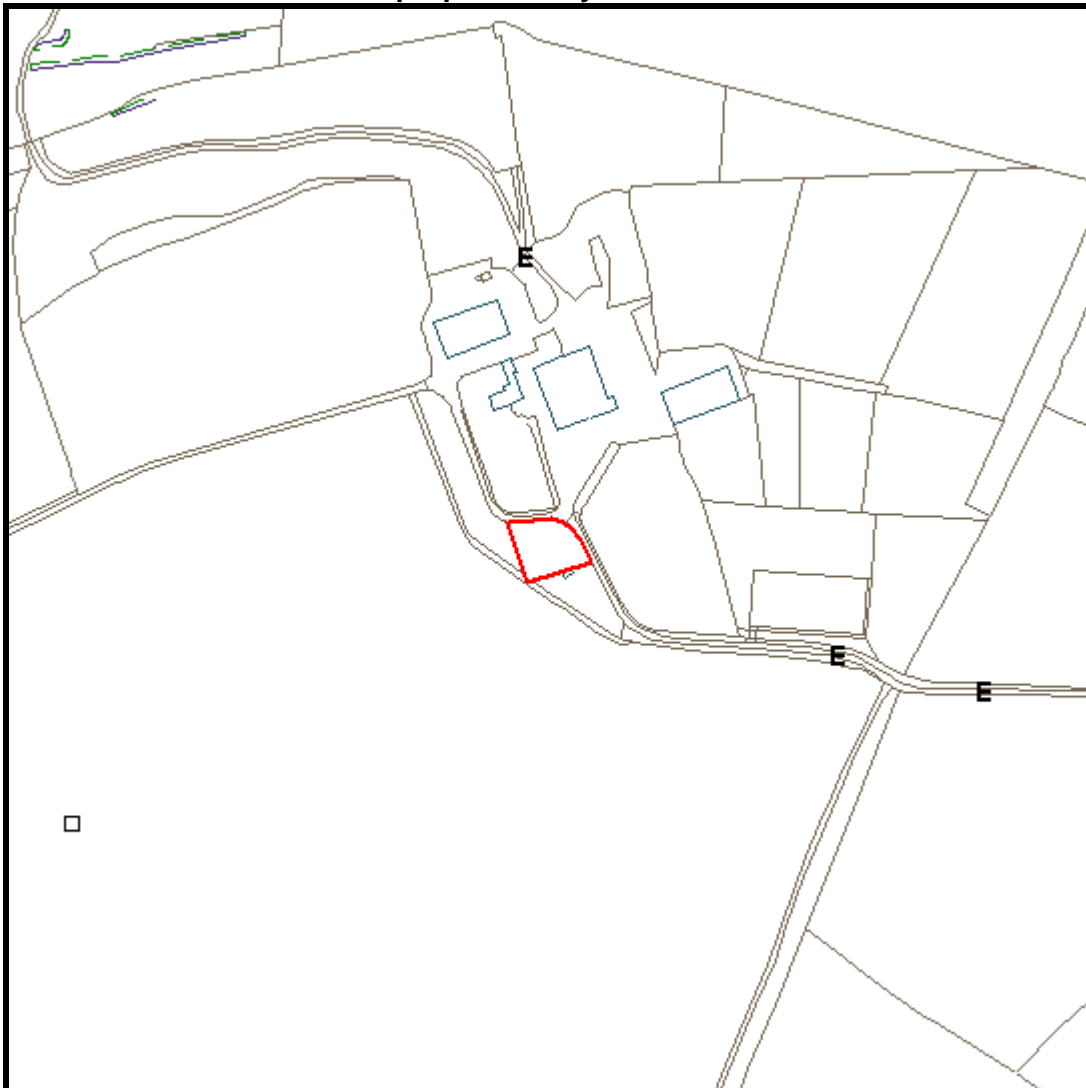
Date Registered
31 October 2014

Case Officer:
Jenny Davies

Target Decision Date
26 December 2014

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Proposal

Planning permission is sought for the erection of a part two storey, part single storey side and rear extension to a farm worker's dwelling at The Orchard, Nottingham Road, Ashby de la Zouch. The dwelling is located some 580 metres to the east of the A511 Ashby Bypass. The extension would project 5.5 metres from the dwelling's northern elevation and then extend back 12.1 metres at ground floor, with its first floor element being 9.1 metres in depth.

Consultations

Members will see from the main report below that no letters of objection from members of the public have been received. Any comments from Ashby de la Zouch Town Council will be reported on the update sheet.

Planning Policy

The application site lies outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also of relevance is the National Planning Policy Framework (NPPF).

Conclusion

On balance a reason for refusal on the basis that the dwelling would become of a scale that would not be commensurate with the agricultural operation of the holding could not be justified in this instance. The less than substantial harm to a heritage asset is considered on balance to be outweighed by the provision of an extended dwelling to serve an existing farm holding. The extension would not be out of keeping with the character of the existing dwelling and would not be overly prominent within the wider countryside. The development would not have any adverse impacts in relation to residential amenities and the nearby public right of way. It can be ascertained that the proposal site would not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION: PERMIT SUBJECT TO THE IMPOSITION OF 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 and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

The application falls to be determined by the Planning Committee as the agent for the application is Andrew Large who is the husband of Councillor Caroline Large.

Planning permission is sought for the erection of a part two storey, part single storey side and rear extension to a farm worker's dwelling at The Orchard, Nottingham Road, Ashby de la Zouch. The dwelling is located some 580 metres to the east of the A511 Ashby Bypass and is accessed via a private drive running off the bypass.

The main part of the dwelling is two storeys in height with a small single storey side projection and contains a living room, dining room/kitchen, utility room, toilet and hallway at ground floor and three bedrooms, a bathroom, ensuite and landing at first floor.

The extension would project 5.5 metres from the dwelling's northern elevation and then extend back 12.1 metres at ground floor, with its first floor element being 9.1 metres in depth. The extension would result in the reconfiguration of the dwelling to provide a living room, TV/play room, kitchen/dining room, pantry, utility room, boot room, toilet, farm office and hallway at ground floor with four bedrooms, a bathroom, two ensuites, landing and linen cupboard at first floor.

The dwelling currently has a gross floor space of 120 square metres and an internal floor area of 100 square metres and the extension would increase these to 231.8 square metres and 194.7 square metres respectively.

Western Old Parks Farmhouse which lies 90 metres to the north is a Grade 2 listed building. Public footpath O88 runs along the access drive.

Outline planning permission was granted for a dwelling on the site (00/0432) which was subject to conditions limiting occupation of the dwelling to those employed in agriculture, imposing a similar condition on Western Old Parks Farmhouse and limiting its gross floorspace to a maximum of 95 square metres. An application to remove conditions 4 and 5 on this outline permission (01/00111/VCU) was refused in January 2003 and subsequently allowed in part on appeal with a maximum gross floorspace of 120 square metres.

2. Publicity

One Neighbours have been notified (Date of last notification 14 November 2014)

Site Notice displayed 20 November 2014

Press Notice published 26 November 2014

3. Consultations

Ashby De La Zouch Town Council consulted
NWLDC Conservation Office

4. Summary of Representations Received

Statutory Consultees

The Conservation Officer has no objection.

Ashby de la Zouch Town Council supports the application.

Third Party Representations

No letters of representation have been received.

All responses from statutory consultees and third parties are available for Members to view on the planning file.

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 (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.

Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking, which include:

- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- conserve heritage assets in a manner appropriate to their significance;
- take account of and support local strategies to improve health, social and cultural wellbeing.

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."

"55. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside."

"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."

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

- the desirability of sustaining and enhancing the significance 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...."

"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 the harm or loss or all of four other criteria apply."

"134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

North West Leicestershire Local Plan:

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application:

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan.

Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development.

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.

Policy E7 seeks to provide appropriate landscaping in association with new development.

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

Other Guidance

Submission Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Planning Practice Guidance - March 2014 supplements the policies in the NPPF. The Guidance does not change national planning policy but offers practical guidance as to how such policies should be applied.

6. Assessment

The main issues for consideration in the determination of this application relate to the principle of the proposal, its impact on the historic environment and its design and visual impact.

Principle of Development

The original planning permission for the dwelling (00/0432) was subject to conditions limiting its occupancy *...to a person solely or mainly working, or last working, in the locality in agriculture, forestry or the breeding and keeping of horses, or a widow or widower of such a person, and to any resident dependents*" and limiting its gross floorspace to 95 square metres.

A subsequent application to vary conditions on the outline permission (01/00111/VCU) was recommended for approval by officers but was refused at Planning Committee in part on the grounds that *The variation of Condition 5 of planning permission 00/0432 to allow a dwelling of 180 sq.m as proposed would result in a dwelling that is beyond the requirements of the enterprise. The proposal is not justified and would result in a dwelling larger than is required which would further impact upon the visual amenities of this countryside location.* An appeal against this decision was in part allowed by permitting a dwelling with a gross floorspace of 120 square metres. The current proposal would increase the gross floor space from 120 square metres to 231.8 square metres, with the internal floor area increasing from 100 square metres to 194.7 square metres.

The application notes that the farm office, gun store, utility room and ground floor toilet (approximately 24 square metres gross floor space and 19 square metres of internal space) would be used by farm staff and visitors. Removing this element from the calculation of floor area would give a gross floor space of 207 square metres and an internal floor area of 168 square metres of habitable accommodation.

The guidance within Annex A to Planning Policy Statement 7 has been cancelled by the publication of the national Planning Practice Guidance, which, along with the NPPF, does not give any advice in relation to the size of agricultural dwellings. The only related advice is at paragraph 55 of the NPPF which states that *"Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as...the essential need for a rural worker to live permanently at or near their place of work in the countryside."*

It is therefore considered that the main consideration must be whether the size of the dwelling is required in relation to the needs of the agricultural unit and not the personal circumstances or preferences of the applicant.

The submitted information sets out a justification for the increase in the size of the dwelling including:

- the applicant's role at the holding has increased to him becoming a full time farm manager;
- the extent of private living space is commensurate with the accepted size for a farm manager's dwelling;
- the applicant, as would be expected with a farm manager due to age and experience, has a partner and three children;
- a recent appeal case allowed a 300 square metre dwelling on an arable farm of a similar size to the Western Old Parks farm holding;
- the main farmhouse is occupied by the applicant's father who no longer has an active interest in the farming business;
- case law has established that a retired farmer cannot be expected to vacate his family home to make way for the next generation;
- the applicant has sole responsibility for all day to day farming operations;
- in addition to the farming of the arable land associated with the holding, the applicant undertakes agricultural contract work;
- the applicants have established a livery enterprise on the site with 14 stables and a manege;
- the site requires the equivalent of 74.5% of a full time person;
- a residential presence is required on the site in relation to management of the arable cropping undertaken on the site and for security purposes;
- the purchase of a dwelling off-site would not cater for the on-site needs of the holding.

In respect of the 2001 application to increase the size of the dwelling officers recommended that a floor space of 180 square metres was acceptable and that this would not result in an unusually large dwelling. The subsequent appeal decision advised that the dwelling was seen as *... a second one for the overall holding, and as such it needs to provide little more than normal domestic accommodation.*, noted *...the family circumstances of the appellants and I appreciate that with their children they would like a sizeable family home, but this dwelling is only justified on the needs of the business and that the dwelling ...should be no bigger than is reasonably necessary to fulfil the business need.* The Inspector also considered that limited floor space was required for a secure gun cabinet and cabinets for vet supplies but as it was the second dwelling on the holding he did not see the need for an office.

Since the appeal decision in 2003 the occupier of the main farmhouse (the applicant's father) has retired and is no longer actively involved with the day to day farm operations, and so the applicant is now solely responsible for the running of the farm holding. It would be unreasonable to expect that the need for additional accommodation for the applicant and his family should be met by his father moving out of the main farmhouse, an approach which is in accordance with the findings of case law (*Keen v Secretary of State for the Environment and Aylesbury Vale District Council* ([1996] JPL) and *JR Cussons and Son v Secretary of State for Communities and Local Government* ([2008] EWHC 443)).

Based on the above it could also therefore be argued that The Orchard is the main dwelling at the holding, now that it is occupied by a full time farm manager, and as such there is now a need to provide an office, gun store, utility room and toilet at this property. Activity at the farm holding has also changed since the appeal decision, with the consolidation of the livery business to provide 14 stables and a manege and the erection of a grain store, along with additional contract work being undertaken. Farming practices have also changed in this time, including the need to store chemicals and pesticides and the implementation of more modern standards, and a greater need for security.

It is therefore considered that on balance a reason for refusal on the basis that the dwelling would become of a scale that would not be commensurate with the agricultural operation of the holding could not be justified in this instance.

Historic Environment

Western Old Parks Farmhouse is a Grade 2 listed building and is located some 90 metres to the north of the property. The farmhouse dates from the 18th century or earlier and retains many of its original features and materials as well as a number of outbuildings. The listed building forms an important part of the history of the area and is considered to be a heritage asset of some significance which has value for this and future generations.

The listed building is well screened from view by young and more mature planting located adjacent to the site, along the access drive and within the farmhouse's garden area. As such the site does not form a prominent part of the foreground or backdrop to the listed building. The proposal would therefore have a limited impact on the setting of the listed building and as such would not adversely affect its setting and would result in less than substantial harm to this designated heritage asset.

Paragraph 134 of the NPPF requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal. The harm to the heritage asset is in this case considered on balance to be outweighed by the provision of an extended dwelling to serve an existing farm holding.

Design and Visual Impact

It is considered that the extension would not be out of keeping with the character of the existing dwelling and would not be overly prominent within the wider countryside due to its location within the site and screening provided by existing trees and hedgerows.

Other Matters

The extension would be at least 80 metres from Western Old Parks Farmhouse, which is the nearest dwelling and would therefore not result in significant detriment to the amenities of occupiers of this dwelling. The extension would not impact on the route of the public right of way which runs along the access drive. The trees close to the dwelling are unlikely to be adversely affected by the extension and although a new parking/turning area would be provided under the canopies of some of these trees, it is considered that these trees are not worthy of protection by a TPO. The site lies outside the catchment area for the River Mease Special Area of Conservation/SSSI.

Conclusion

On balance a reason for refusal on the basis that the dwelling would become of a scale that would not be commensurate with the agricultural operation of the holding could not be justified in this instance. The less than substantial harm to a heritage asset is considered on balance to be outweighed by the provision of an extended dwelling to serve an existing farm holding. The extension would not be out of keeping with the character of the existing dwelling and would not be overly prominent within the wider countryside. The development would not have any adverse impacts in relation to residential amenities and the nearby public right of way. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION, PERMIT subject to the following conditions(s):

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

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

- 2 The development shall be carried out strictly in accordance with the following schedule of plans unless otherwise required by a condition of this permission:

- Location Plan (1:2500) received by the Authority on 31 October 2014;
- Drawing No. 14.3004.01 (Topographical Survey Sheet 1 of 1) received by the Authority on 31 October 2014;
- Drawing No. 14.3004.02 (Existing Details Sheet 1 of 1) received by the Authority on 31 October 2014;
- Drawing No. 14.3004.06 (Detailed Planning Sheet 1 of 2) received by the Authority on 31 October 2014;
- Drawing No. 14.3004.07A (Detailed Planning Sheet 2 of 2) received by the Authority on 31 October 2014.

- 3 All external materials used in the development hereby permitted shall be of the same type, texture and colour as those used in the existing building, unless otherwise agreed in writing by the Local Planning Authority.

Reason- to ensure a satisfactory standard of external appearance.

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

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

- Coal mining subsidence.
- Water emissions from coal mine workings.

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

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

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

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

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

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