

Meeting	<b>PLANNING COMMITTEE</b>
Time/Day/Date	4.30 pm on Tuesday, 14 April 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
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. DECLARATION OF INTERESTS</b>	
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.	
<b>3. MINUTES</b>	
To confirm and sign the minutes of the meeting held on 10 March 2015.	<b>3 - 8</b>
<b>4. PLANNING APPLICATIONS AND OTHER MATTERS</b>	
Report of the Head of Planning and Regeneration	<b>9 - 12</b>



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<b>Item</b>	<b>Application Number and Details</b>	<b>Recommendation</b>	<b>Page</b>
<b>A1</b>	<b>14/00445/FULM: Demolition of existing building and erection of 26 no. dwellings and associated infrastructure (Affordable housing to be provided within application reference 14/00444/FULM)</b>  Land Adjoining Greenacres Bosworth Road Measham	<b>PERMIT Subject to a Section 106 Agreement</b>	<b>13 - 40</b>
<b>A2</b>	<b>14/00931/FULM: Erection of 28 residential units with associated access and parking</b>  Former Depot Highfield Street Coalville Leicestershire LE67 3BL	<b>PERMIT Subject to a Section 106 Agreement</b>	<b>41 - 58</b>
<b>A3</b>	<b>15/00063/FUL: Demolition of existing fire station and erection of a new retail unit with associated car parking, landscaping and site works and external lighting</b>  Moirra Fire Station Shortheath Road Moira Swadlincote Derby DE12 6AL	<b>PERMIT</b>	<b>59 - 76</b>
<b>A4</b>	<b>15/01103/FUL: Proposed Conversion of attached outbuilding to form one residential dwelling</b>  19 Main Street Breedon On The Hill Derby DE73 8AN	<b>PERMIT</b>	<b>77 - 90</b>
<b>A5</b>	<b>15/00033/FUL: Erection of a single storey front extension</b>  4 Gerrard Crescent Kegworth Derby DE74 2HQ	<b>PERMIT</b>	<b>91 - 96</b>

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 10 MARCH 2015

Present: Councillor D J Stevenson (Chairman)

Councillors G A Allman, A Bridges (Substitute for Councillor N Smith), J Bridges, J Cotterill (Substitute for Councillor T Gillard), J G Coxon, J Hault, R Johnson, J Legrys, T Neilson, S Sheahan (Substitute for Councillor R Adams), M Specht, L Spence (Substitute for Councillor D Everitt), R Woodward and M B Wyatt

In Attendance: Councillors J Geary and T J Pendleton

Officers: Mr C Elston, Mr D Gill, Mrs C Hammond, Mr J Knightley, Miss E Mattley, Mr J Newton and Mrs R Wallace

The Chairman announced with great sadness, the recent passing of Councillor Dave De Lacy. A one minute silence was held in remembrance. Councillor T Neilson gave thanks for all of the kind words received as they were greatly appreciated. He stated that Councillor De Lacy worked tirelessly for the people of Ibstock and would be greatly missed. He informed Members that the funeral would be held at Loughborough Crematorium on 19 March at 2pm.

#### **110. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors R Adams, D Everitt, D Howe, T Gillard, G Jones and N Smith.

Councillor J Legrys passed on thanks from Councillors D Howe and R Adams for the cards sent from the Planning Committee while they were unwell.

Councillor R Woodward reported that Councillor D Howe was recovering well and was due to return home from hospital during the next few days.

The Chairman welcomed back Councillor G A Allman after his recent spell of illness.

#### **111. DECLARATION OF INTERESTS**

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

Councillor G A Allman declared a pecuniary interest item A3, application number 15/00072/OUT as he had a business interest with the owners of the premises.

Councillor M Specht declared a non pecuniary interest in item A3, application number 15/00072/OUT as the Chairman of Coleorton Parish Council but would still consider the application with an open mind.

Councillors J Cotterill and T Neilson declared that they had been lobbied without influence in respect of item A1, application number 14/00273/FULM.

Councillor J Legrys declared a non pecuniary interest in item A2, application number 14/00991/FULM as he lived within 150 metres of the application site but still remained open minded. He also declared that he had been lobbied without influence in respect of item A1, application number 14/00273/FULM, item A2, application number 14/00991/FULM and item A3, application number 15/00072/OUT.

Councillor R Woodward declared that he had been lobbied without influence in respect of item A3, application number 15/00072/OUT.

Councillor J Bridges declared that he had been lobbied without influence in respect of item A3, application number 15/00072/OUT and item A4, application number 14/01111/FUL. He also called in item A4, application number 14/01111/FUL but would still consider the application with an open mind.

Councillor D J Stevenson declared that he had been lobbied without influence in respect of item A1, application number 14/00273/FULM and item A3, application number 15/00072/OUT. He also called in item A1, application number 14/00273/FULM but would still consider the application with an open mind.

## **112. MINUTES**

Consideration was given to the minutes of the meeting held on 3 February 2015.

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

RESOLVED THAT:

The minutes of the meeting held on 3 February 2015 be approved and signed by the Chairman as a correct record.

## **113. 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.

## **114. 14/00273/FULM: ERECTION OF 77 DWELLINGS, INCLUDING VEHICULAR ACCESS, PEDESTRIAN LINKS, PUBLIC OPEN SPACE, CAR PARKING, LANDSCAPING AND DRAINAGE**

The Principal Planning Officer presented the report to Members.

Ms C French, agent, addressed the meeting. She reminded Members that David Wilson had an excellent record for development in the District and they had worked with officers, local residents and the Parish Council to get the design of the proposal right. She explained that the proposal had received a 'Building for Life' accreditation and provided 23 affordable homes, improved footpath links, utilisation of a sustainable drainage system, traffic calming measure improvements and ecological benefits. She concluded that the site was sustainable and as there were no technical objections the proposals were acceptable. She urged Members to approve the application in line with the officer's recommendations.

Councillor T Neilson stated he had attended Parish Council meetings where the application had been discussed originally and, along with local residents, still had the following concerns:

- the Bosworth Road development has no affordable housing even though David Wilson promised 30 percent. This could happen on this site.
- the site is outside the limits of development and as a large number of houses had already been built in the area this application was unnecessary.
- officers have stated that the site was 'reasonably' accessible which was not good enough as there was not a bus service after 6pm and although a footpath was proposed, it would be out of character for the area due to the hard standing appearance.

Councillor T Neilson moved that the application be refused on the grounds that the site was not accessible as it was too far from the nearest centre and the footpath was out of character for the area. It was seconded by Councillor J Legrys.

Councillor S Sheahan raised concerns regarding the failed promise for affordable homes at the Bosworth Road Site and how that may be repeated for this development. He was also aware that the main road was very busy and could be difficult to cross to access the shops. He asked that if the application was approved, the conditions be amended to include a third set of speed humps at the junction of Wordsworth Way.

Councillor J Legrys felt that the application was premature until the Council set the limits of development and therefore supported refusal.

Councillor M Specht stated that he was firmly against refusal of the application. He felt that the site was very sustainable as it was a ten minute walk away from local schools, church and shopping centre. He also felt that the proposed footpath was acceptable as formal hard standing was needed.

The Chairman reiterated previous comments as in his opinion it was an ideal site for development. Councillor J G Coxon agreed and supported the officer's recommendations.

The Head of Planning and Regeneration clarified that the application site was a Greenfield site that was outside the limits of development. He also stated that the draft limits of development were currently being consulted on but that consultation was part of the overall Local Plan. He confirmed that, because the draft limits to development had no formal status, they do not carry significant 'weight' in deciding the planning application.

The motion to refuse the application was put to the vote and was LOST.

The Chairman put the officer's recommendation to the vote with the amended condition to include a third set of speed humps on Atherstone Road at the junction with Wordsworth Way.

RESOLVED THAT:

The application be permitted in accordance with the recommendations of the Head of Planning and Regeneration, with the amended condition to include a third set of speed humps on Atherstone Road at the junction with Wordsworth Way.

**115. 14/00991/FULM: ERECTION OF SEVENTEEN AFFORDABLE DWELLINGS, WITH ACCESS ON TO WYGGESTON ROAD AND NORTH AVENUE, ASSOCIATED GROUNDWORKS AND LANDSCAPING**

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

Mr M Cox, objector, addressed the Committee. He advised Members that he lived adjacent to the site, and he was not opposed to the development in general but he had concerns over the layout and siting of plot 15. He stated that the current site and layout of the plot would overlook his property and all the other plots were either back to back gardens or had a greater distance away and requested that consideration was given to either turning the plot 90 degrees or building it closer to the footpath.

Mr M Dauncey, agent, addressed the Committee. He advised Members that there was a need for affordable housing in the area and that the scheme would be made up of 12 homes available for rent and 5 homes that would be available under the shared ownership scheme. He stated that the site was close to the town centre and that the design of the

properties would be in keeping with local character. He informed Members that the development would provide up to 33 parking spaces and that concerns raised by the County Council Rights of Way Officer had been addressed.

Councillor J Legrys stated that the scheme had been a long time in the planning and that the site was an eyesore. He thanked the Chief Executive for arranging a cleanup of the site and that the site afforded what residents wanted. He advised that the fly tipping and anti-social behaviour had reduced but was disappointed that the applicant had not discussed the issues raised by the neighbours in relation to the siting of plot 15.

Following a question from Councillor J Legrys, the Head of Planning and Regeneration advised Members that it was within the gift of the Committee to request the rotation of plot 15 in consultation with neighbouring properties.

Councillor D J Stevenson requested that any consultation included the Ward Members and Chairman of the Committee.

Councillor M Specht stated that having seen the site and the movement of the sun it would make sense through solar energy gain to rotate the property 90 degrees.

Councillor J G Coxon stated that he was pleased to see that the committee agreed to help Mr and Mrs Cox with their issues, but felt that the site should have included bungalows.

The officer recommendation with the amendment to consult with Mr and Mrs Cox in relation to the layout of plot 15 was moved by Councillor J Legrys, seconded by Councillor J Bridges and

RESOLVED UNANIMOUSLY THAT:

The application be permitted in accordance to the recommendation of the Head of Planning and Regeneration with the additional recommendation relating to the rotation of the proposed property of plot 15, to be agreed between the developer, Chair of Planning Committee and Ward Members.

**116. 15/00072/OUT: ERECTION OF ONE DWELLING (OUTLINE - ALL MATTERS RESERVED)**

Having declared an interest in the item Councillor G A Allman left the room for the consideration of the item and took no part in the discussion or voting thereon.

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

Mr A Pearson, in support, addressed the Committee. He stated that there appeared to be confusion over the need for the development. He advised that the applicant was born in Coleorton and that she wished to remain in the village, but the only way, financially to do so, was by building a home on the plot of land that she owned. He highlighted that the site was only slightly outside the limits and that a neighbouring site had recently doubled in size. He informed Members that the applicant could leave the site onto Zion Hill and the development would be sustainable as she would use all the local services and the oldest child would be able to catch a bus to the school that they attended in Ashby.

Councillor J Legrys raised concerns over applications being submitted that were outside the limits to development. He highlighted that other applications on Bakewells Lane had been refused and he therefore found it difficult to agree to permit an application at the other end of the road.

Councillor M Specht stated that he could not agree that the site was sustainable as there was no footpath along the route and the County Council had recently agreed to reduce the street lighting in the area. He felt that the local needs had not been established and that he supported the officer recommendation with reluctance.

Councillor J Bridges stated that he supported the officer's recommendation and that having read the report and listened to the speaker they had not given Members any alternative than to refuse the application.

Councillor D J Stevenson stated that he felt the cars leaving the public house further up the road caused more highways issues than the development would, and that there was a lorry yard next to the site that would give more cause for concern. He added that residents had all the amenities with the village except for a supermarket and that most now delivered anyway and that the vehicular access was already there. He felt he was unable to refuse the application when the next item was similar with a recommendation to permit.

Councillor T Neilson stated that he would be voting in favour to refuse the recommendation and he felt that the application could not be considered the same as the next one. He added that local need had not been demonstrated and the application was inappropriate.

The officer recommendation was moved by Councillor J Legrys, seconded by Councillor R Johnson and

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

For the motion:

Councillors A Bridges, J Bridges, J Cotterill, J G Coxon, J Hault, R Johnson, J Legrys, T Neilson, S Sheahan, M Specht and R Woodward(11).

Against the motion:

Councillors L Spence, D J Stevenson and M B Wyatt(3).

Abstentions:

None(0).

RESOLVED THAT:

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

Councillor G A Allman returned to the meeting.

**117. 14/01111/FUL: ERECTION OF ONE DETACHED DWELLING AND CREATION OF NEW ACCESS**

The Planning Officer presented the report to Members.

Mrs Cotton, applicant, addressed the Committee. She reminded Members that the application was for a residential dwelling for her husband and herself to help with the family farm and to assist with looking after family members. She advised Members that with the last application they had viewed the wrong site and that officers had since been out to view the correct location before the application was submitted. She stated that the new application saw a reduction in the roof mass and had been altered to respect the character of the area, and that a petition had been submitted to the Town Council in support of the application. She added that the previous application had been refused on

the grounds of highways safety however there were no objections from the highways authority on the application in front of them.

Councillor R Johnson stated that credit should be given to the applicant and officers for their work on the application as the previous application had been picked to pieces. He added that the applicants wished to move forward to be able to help relatives.

Councillor J Bridges stated that he had visited the site and that there was a fundamental difference between the two applications, and that it was good to see members of the public working closely with officers and putting forward a good case as to why the development was required. He informed Members that the Council had a responsibility to encourage residents to stay and bring new jobs to the area. He added that the development would add to the natural growth of the area and that all the concerns that he had raised had been addressed.

The officer's recommendation was moved by Councillor R Johnson, seconded by Councillor T Neilson.

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

For the motion:

Councillors G A Allman, J Bridges, J Cotterill, R Johnson, T Neilson, D J Stevenson, L Spence and M B Wyatt(8).

Against the motion:

Councillors J G Coxon, J Hout, J Legrys, M Specht and R Woodward(5).

Abstentions:

Councillors A Bridges and S Sheahan(2).

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 5.45 pm



**APPENDIX B**

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

**14 April 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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**Demolition of existing building and erection of 26 no. dwellings and associated infrastructure (Affordable housing to be provided within application reference 14/00444/FULM)**

**Report Item No  
A1**

**Land Adjoining Greenacres Bosworth Road Measham Derby DE12 7LQ**

**Application Reference  
14/00445/FULM**

**Applicant:  
Peveril Homes Limited / Shape Commercial Ltd**

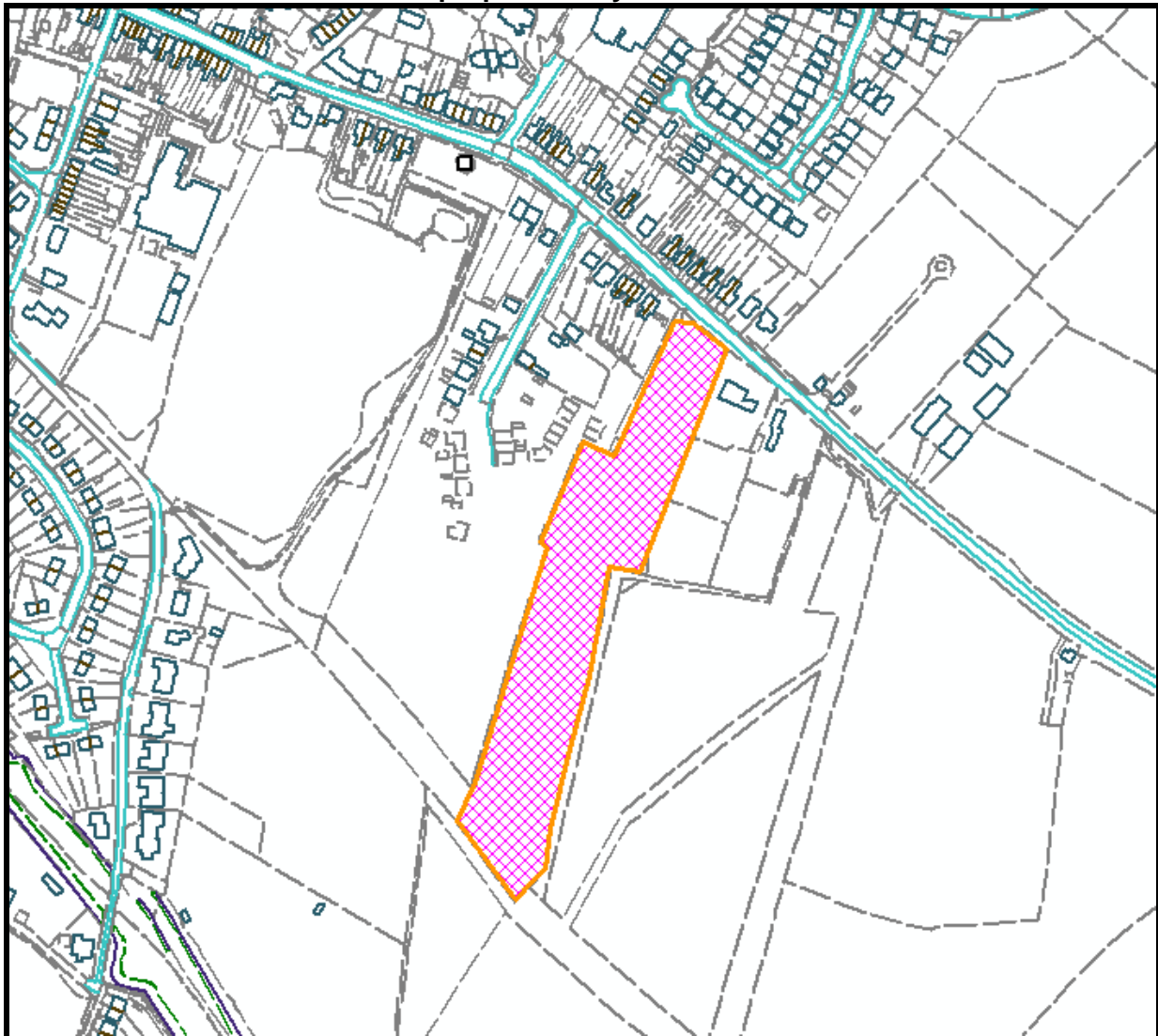
**Date Registered  
10 September 2014**

**Case Officer:  
Ebony Mattley**

**Target Decision Date  
10 December 2014**

**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**

### **Call In**

The application is reported to the Planning Committee at the request of Councillor Sheahan as the site is outside limits to development, additional traffic on Bosworth Road, cumulative impact and prematurity and lack of clarity with the linked application ref 14/00444/FULM.

### **Proposal**

This application seeks full planning permission for the demolition of two existing garages and erection of twenty six dwellings at land adjoining Greenacres, Bosworth Road, Measham.

### **Consultations**

Members will see from the main report below, that with the exception of Measahm Parish Council there have been no objections from statutory consultees. There have been five letters of representation, from four addresses.

### **Planning Policy**

The application site lies outside the Limits to Development of Measham, as defined by the proposals map of the adopted Local Plan.

### **Conclusion**

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, ecology or protected species 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.

### **RECOMMENDATION:- PERMIT, SUBJECT TO A LEGAL AGREEMENT, 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 application seeks full planning permission for the demolition of two existing garages and erection of twenty six dwellings at land adjoining Greenacres, Bosworth Road, Measham.

The scheme originally sought consent for the erection of thirty four dwellings, however following layout concerns raised by officers, the number of residential units has been reduced to twenty six. The open market dwellings are comprised of dwellings of two, three and four bedroomed configuration.

This application is only linked to application ref: 14/00444/FULM (New Street, Measham) by virtue of the affordable housing provision. Application 14/00444/FULM proposes to provide the affordable dwellings for this development, on a separate site, at New Street, Measham. In the event of this application being approved, the two applications would be linked by way of legal agreement to ensure that the affordable dwellings would be provided, in conjunction with this open market dwelling scheme.

Access to the site would be from Bosworth Road to the north of the site. The scheme proposes a large area of landscaping to the south of the site, with an attenuation pond and pumping station. Linear areas of landscaping are also proposed to the east and west peripheries of the site, with smaller pockets throughout the scheme.

During the course of the application the following amendments have been submitted:-

- Changes to house and garage types
- Increased parking provision
- Additional tree planting
- Variation in hard surfacing
- Revised Flood Risk Assessment
- Tracked vehicular drawings

Re-consultation has been undertaken with all neighbours and statutory consultees for a period of 21 days.

Following comments raised by the Council's Tree Officer in respect of the proximity of tree T5 and plot 24, and requests by the Council's Urban Design Officer to improve the external chimney stacks on plots 1 and 2 and alterations to boundary treatments across the three frontage plots, amended plans have been received to address these specific concerns.

Public Footpath P85 is on the route of the former railway line to the south and a pedestrian link is proposed to the rear of the site to link with this footpath, in addition to a pedestrian and cycle link proposed to the adjacent development to the west.

The site of 1.5 hectares has been used as grazing land and is located outside Limits to Development, as identified in the North West Leicestershire Local Plan 2002.

The application is accompanied with an Ecological Appraisal, an Arboricultural Report, a Flood Risk Assessment, a Geo-environmental Report, a Design and Access Statement, a Statement

of Community Involvement and a Planning Support Statement.

**Planning History:-**

At present the affordable dwellings are proposed to be provided on the New Street, Measham site ref: 14/00444/FULM.

14/00444/FULM- Erection of 22 affordable dwellings, access and associated infrastructure - Pending Consideration.

There is other older planning history on the site from 1977 to 1998.

**2. Publicity**

35 no. neighbours have been notified (Date of last notification 13 February 2015)

Site Notice displayed 17 February 2015

Press notice published 25 February 2015

**3. Consultations**

Measham Parish Council consulted 2 October 2014  
County Highway Authority  
Environment Agency  
Severn Trent Water Limited  
Head of Environmental Protection  
Natural England  
NWLDC Tree Officer  
LCC ecology  
County Archaeologist  
NWLDC Urban Designer  
National Forest Company  
LCC Development Contributions  
NHS Leicester, Leicestershire And Rutland Facilities Managme  
Building Control - NWLDC  
Development Plans  
Head Of Leisure And Culture  
Manager Of Housing North West Leicestershire District Council  
Police Architectural Liaison Officer  
Head Of Street Management North West Leicestershire District  
NWLDC Footpaths Officer

**4. Summary of Representations Received**

**Statutory Consultees:**

The following summary of representations is provided.

**Measham Parish Council** objection to the application for the following reasons:-

-The site is outside limits to development



-Traffic on Bosworth Road is a serious concern

Should the development be permitted the Parish Council would request to be party to the Section 106 Agreement in order to ensure that the village infrastructure is adequately taken care of, as facilities are running at maximum.

**Severn Trent** raise no objection, subject to the imposition of a condition.

**Natural England** raise no objection, subject to the imposition of conditions.

**Environment Agency** raise no objection, subject to the imposition of a condition.

**National Forest** requests 0.3 hectares of on-site landscaping.

**Leicestershire County Council - Highways** raise no objection, subject to the imposition of conditions.

**Leicestershire County Council - Ecology** raises no objection based upon the submission of surveys and protected species, but requests a 10 metre buffer between built development and hedgerows to the east of the site.

**Leicestershire County Council - Footpaths** raises no objection, subject to condition and notes to applicant.

**Leicestershire County Council - Lead Local Flood Authority** raises no objections.

**NWLDC Affordable Housing Enabler** is satisfied with the provision and tenure of the proposed affordable units proposed on the linked site ref: 14/00444/FULM.

**NWLDC Urban Design Officer** is satisfied with the amended layout and house types and raises no objection, subject to the imposition of conditions.

**NWLDC Environmental Protection** has no objection subject to a conditions requiring a risk based land contamination assessment prior to any development.

### **NWLDC Environmental Protection**

### **Third Party Representations**

There have been a total of five letters of representation during the course of the application (from 4 addresses)

2 letters of objection has been received raising the following concerns:-

- a) Would be more appropriate to delay this project until the Council has finalised its own development plan, to determine the location and make-up of the type of dwellings required;
- b) Will spoil view and disturb a quiet part of Measham;
- c) Construction traffic and associated dust and danger especially at school times;
- d) The layout may subsequently lead to the roads on this site being linked with those of the Pickerings development, leadings to more traffic exiting opposite 120 and 122 Bosworth Road with additional noise and light intrusion;

- e) Additional traffic will result in an extra hazard to a narrow road restricted by the current on street parking and access at Pickerings will reduce the parking available in that area;

2 letters (from the same address) have been received, the first confirming they had no objection, as such, but have concerns over protection from asbestos, privacy, noise and associated pollution during the construction period and that a boundary hedgerow could be damaged/removed.

Following re-consultation on amended plans, the second letter stated the concerns were:-

- a) The demolition of the garages will create a bio hazard and residential properties will not be protected
- b) Noise and dust pollution from the construction will be worse than that from the neighbouring development
- c) Construction traffic will be worse, as closer and parking of construction traffic is a highway safety issue
- d) Roof surface water empties into the ditch and will affect the development
- e) Previous applications have required that the boundary hedges must main at their present height
- f) The infrastructure in the area is not geared up to cope with the extra people and services will suffer even more than now.

1 letter has confirmed that they are not objecting, but have concerns due to uncertainty of how the new development will join the boundary line with the adjacent development - (David Wilson's scheme)

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

## **5. Relevant Planning Policy**

### **National Policies**

#### *National Planning Policy Framework*

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 listed 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 (Presumption in favour of sustainable development)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 34 (Promoting sustainable transport)
- Paragraph 47 (Delivering a wide choice of high quality homes)

Paragraph 49 (Delivering a wide choice of high quality homes)  
Paragraph 54 (Delivering a wide choice of high quality homes)  
Paragraph 57 (Requiring good design)  
Paragraph 59 (Requiring good design)  
Paragraph 61 (Requiring good design)  
Paragraph 64 (Requiring good design)  
Flooding Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)  
Flooding Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)  
Flooding Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 112 (Conserving and enhancing the natural environment)  
Paragraph 118 (Conserving and enhancing the natural environment)  
Conditions and obligations Paragraph 203 (Planning conditions and obligations)  
Conditions and obligations Paragraph 204 (Planning conditions and obligations)

### **Adopted North West Leicestershire Local Plan (2002)**

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside

Policy E2 - Landscaped Amenity Open Space

Policy E3 - Residential Amenities

Policy E4 - Design

Policy E7 - Landscaping

Policy E8 - Crime Prevention

Policy F1 - National Forest General Policy

Policy F2 - Tree Planting

Policy F3 - Landscaping and Planting

Policy T3 - Highway Standards

Policy T8 - Parking

Policy H4/1 - Housing Land Release

Policy H6 - Housing Density

Policy H7 - Housing Design

Policy H8 - Affordable Housing

Policy L21 - Children's Play Areas

### **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.

### **North West Leicestershire District Council Affordable Housing SPD**

Key Principle AH2 provides that affordable housing will be sought on all sites of 11 or more dwellings in Measham.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within Measham.

### **North West Leicestershire District Council Play Area Design Guidance SPG**

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

### **6Cs Design Guide (Leicestershire County Council)**

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

## **6. Assessment**

The main considerations with regards to this application are the principle of development, density, layout and design, impact upon residential amenity, highway considerations, protected species/ecology, drainage and flood risk, the impact upon the River Mease Special Area of Conservation/SSSI, developer contributions and other matters.

### **Principle of Development**

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)).

In terms of the adopted North West Leicestershire Local Plan, the site is outside Limits to Development. Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; the development proposed would not meet the criteria for development in the countryside, and approval would therefore be contrary to the provisions of Policy S3. Notwithstanding the countryside location, and whilst the proposals would be contrary to the adopted Development Plan, in determining the application, regard must be had to other material considerations, including other policies, such as other Development Plan policies and National policies.

#### *Housing Land Supply and Limits to Development*

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.

The housing supply has been assessed against the joint Strategic Housing Market Assessment (SHMA) 2014 and the Local Planning Authority is currently able to demonstrate a five year supply, including a 20% buffer. Having regard to this and the approach set out in Paragraph 49 of the NPPF, saved Local Plan Policy S3 is therefore, for the purposes of deciding this application, considered to be up-to-date in the context of Paragraph 49. However, given that

the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006), this needs to be taken into account when considering the weight to be applied to any conflict with this policy.

In addition, the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out in more detail in this report.

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 Measham benefits from a range of local services and is readily accessible via public transport and, in general, is considered to be an appropriate settlement for new residential development and, as a settlement, would score well against the sustainability advice in the NPPF.

Insofar as the site itself is concerned, and whilst it is located outside Limits to Development, it is considered to be well related to the existing built development. The west of the site is bound by residential development currently under construction (ref: 12/00646/FULM). To the north of the site are residential properties along Bosworth Road and the frontage of site, to the east is bound by a residential dwelling - 'Greenacres'. It is therefore considered that this site would form a natural extension, given its close proximity to existing (and approved and under construction) built development. During the course of the application, the applicant has provided an amended plan, superimposing the approved adjacent development. It can be clearly seen that the built development, proposed as part of this development, does not project any further to the south and encroach into the countryside, than the adjacent approved, residential development.

In relation to accessibility, in terms of distance to amenities, the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' details the distance of 800 metres is considered to be the preferred maximum walking distance to a town centre with 400 metres acceptable and 200 metres being desirable.

Below are the approximate distances from the site's frontage to local facilities and services via the existing footway network:-

Play area and recreation ground (Bosworth Road) - 290 metres  
Primary School (Bosworth Road)- 300 metres  
Public House (Bosworth Road) - 480 metres  
High Street Measham - 500 metres

Measham provides a good and wide range of day to day services and facilities which meet the day-to-day needs of Measham, as well as some of the surrounding villages. This includes a primary school, a good range of shops, library, doctors, as well as leisure and recreational facilities and public houses.

When having regard to the sustainability credentials of the settlement and the site, along with

the fact that the site is well related to existing built development, it is considered that Measham is a sustainable location for the level of development proposed for this site.

It is considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan. In addition, the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to the economic growth associated with the proposed development, together with appropriate contributions towards affordable housing would ensure that the scheme would sit well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, whilst the proposed development would result in the development of land outside of the defined Limits to Development, as set out in more detail below, the proposed development would not result in any unacceptable impacts on the natural, built or historic environment and, by virtue of its location, close to the existing built up area and associated services, and its accessibility to public transport, would perform reasonably well in terms of need to travel and the movement towards a low carbon economy.

#### *Conclusions in respect of the Principle of Development and Planning Policy*

The site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. However, given the overall conclusions in respect of whether the site constitutes sustainable development in NPPF terms, and given the need to maintain a five year supply of housing, it is considered that release of the site would nevertheless remain appropriate. Having regard to all of the above, therefore, it is considered, overall, that the proposed development of the site is acceptable in principle.

#### *Loss of Agricultural Land*

Also of relevance to the principle of releasing the site is the issue of loss of agricultural land. Whilst the site is currently in use as pasture land, the development of the site would result in an irreversible loss to a non-agricultural use.

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Having regard to the five year housing land supply issue as set out above, it would seem inevitable that greenfield land (much of which will be agricultural in terms of use) will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC).

If considering the scenario that the land is potentially BMV land, it is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost (with medium and high impacts defined as those resulting in loss of between 20 and 50ha, and those of 50ha and above respectively). The site is approximately 1.46 hectares in size. It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process, which in this case would be small in scale but irreversible as there are no areas of open space/landscaping that would be large enough to accommodate an agricultural use in the future.

Nevertheless, even in the event that the site were to fall within Classes 1, 2 or 3a, it is not considered that the proposed development would sit particularly comfortably with the requirements of the NPPF and, in particular, the aims of paragraph 112. However, this would need to be weighed against other material considerations and, whilst there would be adverse impacts in this regard, these concerns would not be so significant as to outweigh the considerations in favour of the scheme. When considered in the context of the five year housing land supply issue, and the benefits of releasing the site to assist in maintaining such supply, it is considered that the potential agricultural land quality issue is not sufficient to suggest that planning permission should be refused, particularly given the relatively limited extent of the potential loss (i.e. 1.46 ha).

## **Density, Layout and Design**

### *Density*

The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances.

The application proposes 26 dwellings on a 1.5 hectare site equating to a net density of 17.3 dwellings per hectare (dph). Policy H6 requires a minimum of 40 dph in town centre locations and accessible locations and 30 dph in other locations. As the site is considered to be accessible by public transport and accessible to services and facilities, then in this case the 30 dph would be applicable.

This density at 17.3 is, however considered appropriate having regard to the location of the site on the edge of Measham and the rural character to the north and east of the site. Accordingly it is not considered that a higher density of development could be achieved on the site, without having detrimental impacts upon the proposal. Therefore, the scheme is considered to be acceptable in relation to the advice contained in the NPPF and Policy H6 of the Local Plan.

### *Layout and Design*

The need for good design in new residential development is outlined not only 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. Paragraph 64 of the NPPF states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The scheme proposes one vehicular access point from Bosworth Road which runs north to south, linear through the scheme. The access runs centrally through the upper (northern) part of the scheme, providing residential development either side.

Plots 1, 2 and 26 front Bosworth Road, with all other dwellings facing inwards addressing the internal access road, creating strong, attractive streetscenes. Plots positioned on prominent corner locations and are dual aspect designs, ensuring that there are no dull or blank frontages.

In the vicinity of the development, there are variety of style of dwellings, with traditional Victorian

semi-detached two storey dwellings, and modern detached bungalows and two storey dwellings featuring on Bosworth Road. Immediately adjoining the site to the east is a new residential development (ref: 12/00646/FULM) which consist of modern two and two and half storey semi-detached and detached properties.

In relation to the visual appearance of the built environment, the scheme proposes ten differing house types. Each house type proposes different design features such as external chimney stacks, canopies, arched headers, brick cills and other brick detailing which adds additional interest to the external appearance of the site as a whole. Following discussions with officers, during the course of the application, there have been alterations to the types of the dwellings proposed and further additional fenestration details and improvements have been made to all, including external chimney stacks and variation in materials.

With the exception of plots 1 and 2, all dwellings are detached, with varying 2,3 and 4 bedrooms configurations of 2 storey proportions, providing differing footprints and heights within the site. The development provides appropriately sized gardens commensurate to the size of the dwellings and the scale of the single and double garages are subservient in scale to the dwellings to which they serve.

Accumulatively as a result of the differing styles, features, materials and sizes it is considered that an attractive scheme would be provided.

In respect of soft landscaping, there is a strong boulevard tree lined style street in the middle section of the scheme, with tree planting proposed throughout. The level of landscaping and planting is considered appropriate to contribute to the overall 'semi rural' character of the area, softening and enhancing the appearance of the scheme and overall contributing to the visual amenity of the development. National Forest have confirmed that they are satisfied with the planting shown within the amended layout and the suggested landscaping condition.

In relation to hard landscaping, the scheme proposes two types of road surfacing and there is a mixture of parking positioning and garaging to add variation.

No representative samples of the types of materials to be used on the external elevations of the dwellings and garages have been submitted or details in respect of boundary treatments or surfacing of the roads, driveways and footpaths and it is therefore considered necessary to impose conditions to ensure that these important details will be submitted to and approved in writing by the Local Planning Authority.

The land levels vary within the site, with the levels highest at the frontage with Bosworth Road and sloping towards the rear (south of the site). Accordingly a condition requiring finished floor and road levels is recommended.

In summary, it is considered that the range of semi-detached and detached properties of 2, 3 and 4 bedroom configuration and 2 storey proportions adds interest and provides strong attractive street scenes, softened by the variation in architectural detailing, materials, surfacing, boundary treatments, trees and landscaping. As such the scheme is considered to be in accordance with Saved Policy E4 of the Local Plan and overarching intentions of the NPPF.

### **Impact upon Residential Amenity**

The residential dwellings most immediately impacted upon as a result of the proposal would be No. 107 and 'Greenacres', Bosworth Road and properties constructed and under construction at



the adjacent residential development site, approved under application ref: 12/00646/FULM.

No. 107 Bosworth Road is located to the west of plot 1. There is a distance of approximately 15 metres between the east, side elevation of No. 107 and west, side elevation of plot 1, which is considered sufficient to ensure no significant overshadowing, loss of light, or overbearing impacts. Whilst Plot 1 proposes a first floor window, this would serve a bathroom and therefore would be obscurely glazed (to be secured by way of condition).

'Greenacres', Bosworth Road is located to the east of the garage serving plot 26. The nearest residential properties would be plot 26 located approximately 11.5 metres and plot 25 located approximately 12.5 metres away, which is considered sufficient distances away to ensure no significant detrimental impacts. Consideration has been given the positioning of windows in the rear elevation of 25, given its potential to result in overlooking. There are no first floor windows, with one window positioned at 1.5 storeys, serving a stairway. As such, it is not considered that there would be an unacceptable level of overlooking upon the rear amenity space of 'Greenacres'. Whilst the garage, serving plot 26 is located closer, this would be single storey and not habitable.

It is considered that the residential dwellings on the north side of Bosworth Road, are at sufficient distances away, complete with an 'over the road' relationship between plots 1,2, and 26 which ensures that there is no significant adverse impacts upon the occupiers of these neighbouring properties.

In respect of the adjacent, residential development to the west, residential properties to the northern part of the site, have been constructed and are occupied, with construction continuing towards the rear, south of the site.

It is considered that the residential properties most immediately impacted upon, by virtue of their distance to the proposed plots would be No's 8 and 19 Tilly Mews (both occupied). The side elevation of No. 19 Tilly Mews would be sited approximately 8 metres to the rear of plot 4, with No. 8 Tilly Mews sited approximately 12 metres to the rear of plot 5, and 5 metres to the side elevation of plot 6. These rear to side distances are considered to be sufficient in separation to avoid significant loss of light, overshadowing and overbearing impacts.

Based upon the approved layout of the adjacent development, proposed plot 9 would not be adjoined by a residential dwelling on the adjacent site, and there is a distance of 20 metres from the rear of plot 12 and 17 metres from the rear of plot 13, to the side elevations of dwellings, yet to be constructed. Proposed plot 15 would be adjoined by garaging on the adjacent site, or vice versa, as a residential property on the adjacent site would be positioned adjacent to a garage serving proposed plots 7 and 8.

In respect of impacts upon the future occupiers between the plots themselves, there is sufficient distance between the dwellings to ensure that there are no any significant overlooking, overshadowing, or overbearing impacts. Windows serving bathrooms and en-suites are to be fitted with obscure glass, secured by the imposition of a planning condition.

In summary, the proposal is considered to have minimal impacts upon amenity of existing neighbouring or future neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy E3 of the Local Plan.

## Highway Considerations

Access to the site would be from Bosworth Road to the north of the site. A pedestrian link is proposed to the rear (south) of the site to link with Public Footpath P85 and a pedestrian/cycle link proposed to the west of the site, to link to the adjacent site, current under construction (approved under application ref: 12/00646/FULM).

There is a mixture of side parking and single and double detached garages. All plots have at least two car parking spaces, and during the course of the application, the level of parking provision has been increased and is in conformity with the Leicestershire County Council standards. Furthermore, following the submission of amended plans all garages have sufficient internal dimensions.

The revised layout scheme, and submission of tracked drawings have been considered by the County Highway Authority who raises no objection, subject to the imposition of conditions.

The County Footpath's Officer has requested that the proposed footpath should be provided with a stone surface and a width of 2 metres.

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.

## Protected Species/Ecology

The application has been accompanied by an Ecological Appraisal, which has been considered by the County Ecologist.

The County Ecologist originally raised an objection based upon the timing of the submitted surveys, however subsequently has withdrawn the objection, upon visiting the site as the County Ecologist has accepted that it is low in species diversity.

Following the submission of amended plans, the County Ecologist has welcomed the buffer along part of the eastern hedgerow and to the most of the plantation woodlands to the east, but has requested an additional 10 metres buffer of open space alongside the woodlands due to problems of over-shading and potential future threat of removal.

It is considered that due to the constraints of the site in respect of size and linear share, proposing a buffer along the whole boundary, would result in a reduction in the number of units, further still and could compromise the layout, which has been subject to extensive scrutiny.

The scheme has been considered by the Council's Tree Officer who stated that plot 24 was re-positioned too close to an existing tree on the eastern periphery. As such the applicant has provided an amended plan showing a revised positioning of plot 24. The Tree Officer has confirmed that the layout is incompatible with trees identified as T23, T33 and T34 and that these trees would be better removed and replaced with more appropriate varieties of native tree species, and that they should not be considered as a constraint to development. In addition, the tree officer has requested the removal of T35 from the plan as it is also unsuitable for retention.

Overall it is considered that a suitable compromise has been found for this site in respect of ecology with substantial planting along the boundary with the adjoining land and a buffer along half of the sites boundary to the east. Furthermore, the Council's Tree Officer does not raise any concerns over the proximity of trees and hedgerows to dwellings and garages.

The site lies within the catchment of the River Mease Special Area of Conservation (SAC) and consideration of the potential impacts of the development on this designated site will be covered later in this report.

### **Drainage and Flood Risk**

The site lies within Flood Zone 1 as defined by the Environment Agency as having a low probability of flooding (less than 1 in 1,000 annual probability in any year).

The scheme proposes a 300 square metres attenuation pond to the rear of the site. A pumping station is also proposed to the rear of the site, to be sited to the western periphery.

The scheme was originally considered by the Environment Agency and the Lead Local Flood Authority - Leicestershire County Council who raised objections. Accordingly during the course of the application an amended Flood Risk Assessment has been submitted and re-consultation undertaken.

The scheme has been subsequently re-considered by the Environment Agency who now raises no objection subject to the imposition of the condition requiring a surface water drainage scheme for the site.

In addition, the Lead Local Flood Authority are satisfied with the comments and condition raised by the Environment Agency and have confirmed no further information is required to be submitted.

Severn Trent Water has been consulted on the application and raise no objection subject to the imposition of a condition requiring the submission of drainage plans prior to the commencement of development.

Consideration of the capacity of STW's treatment works is set out below in the section relating to impact on the River Mease SAC.

### **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). 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 would have a significant effect on the SAC is required. The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). 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 is considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

When having regard to the existing agricultural use of the site, the proposal for 26 dwellings would increase the foul drainage discharge from the site and as such it is subject to the requirements of the DCS.

The flows from the new dwellings will need to be taken into account against the existing headroom at Measham Treatment Works, which serves the Measham.

At March 2014 capacity as available for 188 dwellings but this is reduced by the number of dwellings that have consent and/or are under construction whilst also considering those which are pending consideration. Taking these into account, assuming all would be approved there would still be capacity for at worst case scenario, 39 dwellings. Accordingly a scheme for 26 residential units falls within the existing capacity levels, leaving a capacity of 13 dwellings for Measham. It is anticipated that additional capacity levels will soon be released for 2015.

Natural England has considered the scheme and raise no objections in relation to impact on the SAC/SSSI subject to conditions. 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.

### **Land Contamination**

The application has been accompanied with a Geo-environmental report. The Council's Environmental Protection Team have raised no objections to the development with regards to ground contamination or land instability, subject to conditions.

### **Developer Contributions**

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.

### *Affordable Housing*

Under the Council's Affordable Housing SPD, 30% affordable housing is required on sites of 5 dwellings or more, and this would equate to 8 dwellings for the current 26 no. dwelling scheme.

The applicant is currently proposing that 22 affordable dwellings be provided on a separate site, (at New Street, Measham ref: 14/00444/FULM) and request that the 8 dwellings required for this development would be provided at this site.

Accordingly at present the 22 affordable scheme, would provide an additional 14 affordable dwellings, over and above the 8 required in policy terms. Whilst the dwellings would not be provided and integrated within this site, this would be off-set by the significant over provision of affordable dwellings that would be provided.

The affordable housing site is subject to separate considerations within application reference: 14/00444/FULM. The layout and density of the New Street Measham site is currently under negotiation and the overall number of dwelling could be reduced, however this is not anticipated to be a significant reduction, and would at the very least still be capable of providing the 8 affordable dwellings, as required.

In the event of this application being approved, the intention it to link the two by way of legal

agreement to ensure that the affordable dwellings would be provided, in conjunction with this open market dwelling scheme. The intention is to allow flexibility within the legal agreement, so that for example, in the event that application ref: 14/00444/FULM was not granted planning permission, then the legal agreement would be worded in such a way to ensure that on-site provision would be required on this site.

The Council's Affordable Housing Enabler and applicant are agreeable to this approach. The applicant maintains that affordable dwellings will be provided on the New Street site.

#### *Play Space*

The Council's SPG regarding children's play areas specifies that the Council will not seek any additional provision where existing play areas, within 400 metres walking distance, satisfy the needs of the area, including the proposed development.

There would be a distance of around 290 metres between the proposed housing site and the existing children's play area and, therefore, this would be considered a reasonable walking distance in accordance with the Council's SPG. Given the size of the units proposed it is considered that these would appeal to families and given the proximity of the application site to play space, it is considered that the future occupiers would use the facilities and increase the wear and tear of the equipment and facilities on these sites.

In this instance, an existing play space would fall within 400 metres of the site and therefore a contribution in the form of a commuted sum is recommended to be secured, in lieu of the on-site provision. The request sum is based upon £1255.00 per property, so the financial contribution would be £32,640.00 based upon a five year maintenance contribution, which would be secured through the Section 106 Agreement. The applicants are agreeable to making this contribution.

#### *Leisure*

A contribution of £24,942 is requested for investment in sports facilities at the Measham Leisure Centre site. The applicants are agreeable to making this contribution. The leisure contribution remains under consideration as to whether it meets the tests pursuant to CIL Regulation 122.

#### *River Mease DCS*

A contribution under the River Mease DCS is required (as outlined earlier in the report) but an exact figure for the contribution cannot be determined at this stage, as the code levels of the dwellings has not been finalised. A Section 106 agreement would be worded as such to allow flexibility based on the construction code levels. The applicants are agreeable to making this contribution.

#### *National Forest Company*

The National Forest Company have confirmed that the requirements for this application would equate to 0.3 hectares of National Forest woodland planting and landscaping.

During the course of the application a plan has been provided showing the proposed area of landscaping, which has been considered by the National Forest Company, who are satisfied that this fulfils their requirement.

#### *Healthcare*

NHS England (Leicestershire and Lincolnshire Area) requests a developer contribution of £11,726.00 towards providing additional accommodation at the Measham practice. The applicants are agreeable to making this contribution.

#### *Education*

Leicestershire County Council is seeking the following contributions to provide additional places at the nearest schools where there is no capacity:

- a contribution of £63,398.81 for the primary school sector - Measham Primary School.
- a contribution of £47,723.42 for the upper school sector - Ashby School.

The applicants are agreeable to making this contribution.

#### *Libraries*

Leicestershire County Council is seeking a contribution of £780.00 towards additional resources at Measham Library. The applicants are agreeable to making this contribution.

#### *Civic Amenity*

Leicestershire County Council is seeking a contribution of £850.00 towards Coalville Civic Amenity site. The applicants are agreeable to making this contribution.

#### *Highways Contributions*

The County Highway Authority has also requested the following contributions to encourage sustainable travel to and from the site, achieve modal shift targets, and reduce car use:

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

The applicants are agreeable to making this contribution.

#### *Other Contributions*

No requests for contributions have been received from Leicestershire Police.

#### *Summary*

Overall, it is considered that the proposed obligations would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations, and would represent appropriate contributions towards the infrastructure and other needs of the proposed development.

The applicant has confirmed that they would be willing to enter into an agreement to secure the

above mentioned contributions, should there be a resolution to grant planning permission.

## **Other Matters**

### **Letters of Representation**

In respect of other objections received which have not already been addressed within the report above:-

A right to a view is not a material planning consideration.

It is considered that construction noise is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance as the Environmental Services Manager raises no issues to the development in this regard, it is not considered necessary. The Environmental Services Manager raises no issues over fumes, noise or any other pollution arising from this residential development.

There is a planning condition requiring that construction traffic will be parked within the site, during the period of construction.

The hedgerows are proposed to be retained as part of the development, however boundary treatments are proposed to be conditioned and it would be unreasonable to impose future restrictions preventing future occupiers trimming hedgerows or trees which may overhang into their curtilage, given that neither the County Ecologist nor the Council's Tree Officer has requested such measures.

A boundary dispute, is a private matter and not a material planning consideration.

## **Conclusion**

In conclusion, the site lies within the countryside, as defined in the Local Plan. Notwithstanding the conflict with the provisions of Policy S3 of the Local Plan, given its close proximity to built development, it is therefore considered that this site would form a natural extension of the village. When having regard to the sustainability credentials of the settlement and the site, on balance, it is considered that the proposal would represent a sustainable form of development for the purposes of the NPPF, and therefore, the principle of development is considered acceptable.

The proposed development would be acceptable in terms of density, layout and design, impact on trees, residential amenities, transportation and highway safety issues, flood risk and drainage, archaeology, ecological impacts and impact on the River Mease SAC and no other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities/services.

As previous discussed, affordable housing is proposed to be provided on the linked application ref: 14/00444/FULM. In the event of this application being approved, the applications would be linked by way of a S106 agreement, to ensure that the affordable dwellings would be provided, in conjunction with this open market dwelling scheme. The intention is to allow flexibility within the legal agreement, so that for example, in the event that application ref: 14/00444/FULM was not granted planning permission, then the legal agreement would be worded in such a way to

ensure that on-site affordable provision would be required on this site.

The proposed development would, overall, therefore be considered to constitute sustainable development as defined in the NPPF and, as such, benefits from a presumption in favour of such development as set out in that document. 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 signing of the Section 106 Agreement, to secure affordable housing provision off-site and other infrastructure improvements 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 amended plans, unless otherwise required by a condition of this permission:

Site Location Plan 7059 P 02

Existing Shed 1 7059/P/26

Existing Shed 2 7059/P/27

Garages 7059/P/28 A

Garages 7059/P/29 B

Aldersbrook House Type 7059/P/100

Barnsbury House Type 7059/P/102 A

Bayswater House Type 7059/P/103 A

Grangewood House Type 7059/P/104

Lichfield A House Type 7059/P/105

Lichfield B House Type 7059/P/106

Oxford House Type 7075/P/107 B and 7075/P/108 B

Wessington House Type 7059/P/109 and 7075/P/110 A

Sherringham House Type 7059/P/111 A and 7059/P/112 A

received by the Local Planning Authority on 11 February 2015 and subsequent amended details:-

Site Layout 7059 P 01 M

Streetscene 7059 P 113 A

Belmont House Type 7059/P/101 C

received by the Local Planning Authority on 11 March 2015.

*Reason: To determine the scope of this permission.*

- 3 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

*Reason: To determine the scope of this permission.*



- 4 Notwithstanding the submitted detail, nor Condition 2 above, no development shall commence until precise details of all doors and windows (including porches and door surrounds, as well as doors to proposed garages) 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.

*Reason: To ensure an appropriate form of design.*

- 5 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence until precise details of the treatment of verges, eaves and rainwater goods 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.

*Reason: To ensure an appropriate form of design.*

- 6 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence until such time as precise details of all proposed chimneys 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.

*Reason: To ensure an appropriate form of design.*

- 7 Notwithstanding the submitted plans, no development shall commence unless and until a detailed scheme of the external appearance of the proposed pumping station and programme of implementation shall first be submitted to and approved in writing by the Local Planning Authority, and the development shall be implemented in accordance with the approved scheme.

*Reason: To ensure an appropriate form of design.*

- 8 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence until such time as a detailed scheme for the boundary treatment of the site including the precise details of the treatment of the demarcation of all public realm facing boundaries 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. 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, in the interests of highway safety, to ensure that there is a clear and robust demarcation between public and private spaces and to ensure an appropriate form of design.*

- 9 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence until such time as a detailed scheme for all surfacing of the access, driveways, parking areas and footpaths has been submitted to and agreed in writing by

the Local Planning Authority. Access drives and any turning spaces shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and shall be so maintained at all times. The scheme shall be undertaken in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority

*Reason: To preserve the amenities of the locality and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.*

- 10 No development shall commence until a detailed landscaping scheme, including tree planting, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following the first occupation of the first dwelling hereby approved 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 and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

*Reason: To ensure satisfactory landscaping is provided within a reasonable period and a reasonable period for the replacement of any trees and shrubs.*

- 11 No development shall commence until a scheme that makes provision for waste and recycling storage across the site shall first be submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary.

*Reason: To ensure that the development provides for a satisfactory form of design, in the interests of amenity.*

- 12 No development shall commence until precise details of the finished ground levels on the site and the finished floor levels of the buildings in relation to an existing datum point have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

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

- 13 The windows serving bathrooms, en-suites and WCs shall be glazed with obscure glass to Pilkington Standard 3 (or equivalent) and 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 existing and future occupiers.*

- 14 Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby permitted shall not be enlarged, improved or altered, nor shall any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse be provided unless planning permission has first been granted by the Local Planning Authority.

*Reason: To enable the Local Planning Authority to retain control over future development in view of the form and density of the development proposed.*

- 15 Utility boxes shall be painted black, unless otherwise agreed in writing by the Local Planning Authority.

*Reason: To ensure an appropriate form of design.*

- 16 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus 30% (for climate change) critical rain storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

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

*Reason: To ensure the development is provided with a satisfactory means of drainage and to prevent the increased risk of flooding, both on and off site.*

- 17 No development shall commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development is first brought into use.

*Reason: To ensure that the development is provided with a satisfactory means of foul water drainage.*

- 18 No development (except any demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

- a) BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
- b) BS 8576 Year 2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
- c) BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- d) CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- 1. CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.
- 2. The Verification Plan shall be prepared in accordance with the requirements of:
- 3. Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- 4. 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 must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

*Reason - To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.*

- 19 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
  - a) Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
  - b) Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
  - c) 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;
  - d) Contain Test Certificates of imported material to show that it is suitable for its proposed use;
  - e) Demonstrate the effectiveness of the approved Remedial Scheme; and

- f) 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 and to accord with the aims and objectives of paragraph 120 of the NPPF.*

- 20 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

*Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.*

- 21 Prior to the first occupation of any dwelling, the following shall be provided:-

- a) The respective car parking provision and any turning space shall be made available within the curtilage, in accordance Site Layout 7059 P 01 M. The parking spaces and turning space so provided shall not be obstructed, allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter permanently remain available for car parking and turning.
- b) 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway, in accordance with the current standards of the Highway Authority and shall be so maintained that way thereafter.
- c) Visibility splays of 2.4 metres by 43 metres shall be provided at the junction of the access with Bosworth Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
- d) A footway link to the existing footpath on Bosworth Road to the west and a footpath along the frontage of the development to the East shall be completed to the satisfaction of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

*Reasons: To ensure adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users; In the interests of pedestrian safety; 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 and for the safety of pedestrians.*

- 22 The access drive shall be provided as per details set out in drawing number (9) 2001 before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

*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*

- 23 No 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 adjacent carriageway.

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

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

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

#### **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 Site clearance should taken place outside of the bird nesting season (March - August). It is an offence under Section 1 of the Wildlife and Countryside Act of 1981 to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built.
- 3 In respect of Condition 10, the footpaths should be provided with a stone surface and a width of 2 metres.
- 4 Where footpath P85 intersects the eastern and western boundaries of the application site, gaps of a width of 1.2 metres, together with waymark posts to the specification shown in the attached Drawing No. SD/FP/6 should be provided at the points. If it is necessary for either of the boundary crossing points along the footpath to be made stock proof, hand gates or kissing gates to the specifications shown in the attached Drawing Nos. SD/FP/11 or SD/FP/12 should be installed but not stiles. These works should be carried out by the applicant Company at its own expense.

Any damage which may occur to the surface of the footpath which is directly attributable to works associated with the development will be the responsibility of the applicant Company to repair at its own expense, to the satisfaction of the Highway Authority.

Any new trees or shrubs which are proposed to be planted adjacent to footpath P85 should be set back by a minimum of 1 metre from the edge of the route and be of species which do not spread. This will minimise the likelihood of the width of the right of way being encroached upon and reduced in width by overhanging vegetation in the

future.

The applicant Company should also be advised that no additional structures including stiles, gates or other barriers either of a temporary or a permanent nature, should be placed across the route of footpath P85 without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to require its immediate removal.

- 5 The applicant / developer should refer to the Environment Agency's 'Groundwater Protection: Policy and Practice' (GP3) document, available from our website at [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency). This sets out our position on a wide range of activities and developments, including:

- Storage of pollutants and hazardous substances
- Solid waste management
- Discharge of liquid effluents into the ground (including site drainage)
- Land contamination

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to the guidance on the following link to the [www.gov.uk](http://www.gov.uk) website: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>.

During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

It is recommended that the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom are installed. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

- 6 The proposal is situated in excess of 45 metres from the highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.

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 Infrastructure Planning team (for `major'

accesses serving more than one dwelling) or the Highways Manager (for `minor' accesses serving one dwelling only). 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](http://www.leics.gov.uk/6csdg)

For 'minor' accesses serving one dwelling contact the Customer Service Centre team  
Tel: 0116 3050001.

If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.



Erection of 28 residential units with associated access and parking

Report Item No  
A2

Former Depot Highfield Street Coalville Leicestershire LE67 3BL

Application Reference  
14/00931/FULM

Applicant:  
Westleigh Developments

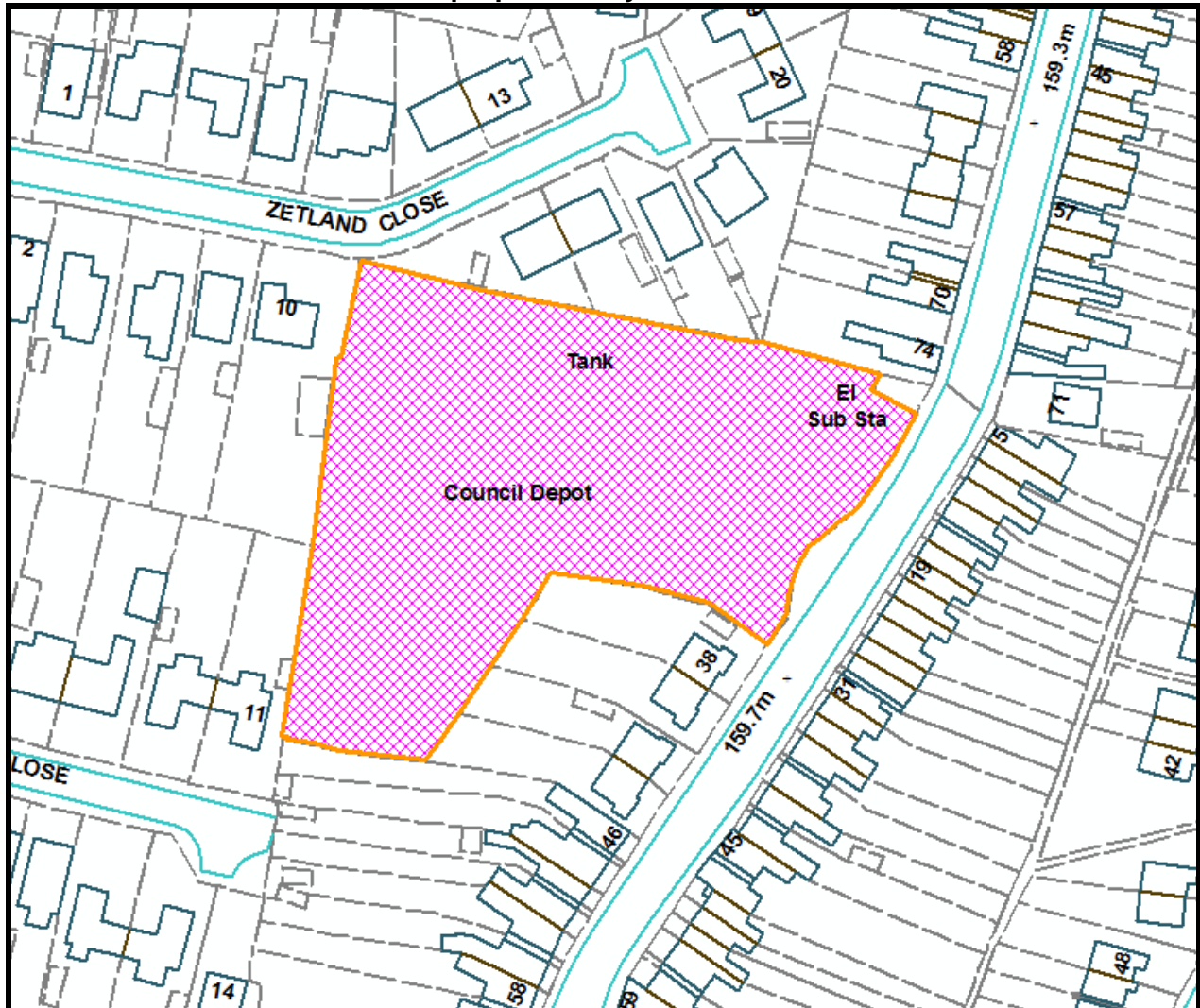
Date Registered  
13 October 2014

Case Officer:  
James Mattley

Target Decision Date  
12 January 2015

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**

Planning permission is sought for the erection of 28 residential units with associated access and parking. All of the proposed units would be provided as affordable housing.

### **Consultations**

Members will see from the report below that some objections have been received from surrounding neighbours but no objections have been received from any statutory consultees.

### **Planning Policy**

The application site lies within the limits to development, on a brownfield site and in a sustainable settlement where the principle of residential dwellings are considered to be acceptable. Also material to the determination of the application, however, is the supply of housing in the context of the National Planning Policy Framework (NPPF) and whether the scheme represents sustainable development.

### **Conclusion**

The site is located in a sustainable settlement and the principle of the development is considered to be acceptable. The proposed development would be acceptable in terms of the residential amenities of existing and future occupiers, and would provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety subject to appropriate planning conditions. The scheme would not result in significant impacts upon protected species and there would be no flood risk or drainage issues. There are no other relevant material planning considerations that indicate planning permission should not be granted.

### **RECOMMENDATION:- PERMIT, SUBJECT TO THE IMPOSITION OF CONDITIONS AND SUBJECT TO A SECTION 106 AGREEMENT TO SECURE AFFORDABLE HOUSING ON THE SITE**

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

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the erection of 28 residential units with associated access and parking at the former depot site off Highfield Street, Coalville. The site is located in a predominantly residential area with dwellings surrounding the site. The application site is within Limits to Development as defined in the adopted North West Leicestershire Local Plan.

All the dwellings would be provided as affordable dwellings. The proposal includes 2 x 2 bed bungalows, 14 x 2 bed houses, 8 x 1 bed flats and 4 x 3 bed houses which, with the exception of the bungalows, would all be two-storey and comprise semi-detached and terraced properties. Access to the site would be gained from Highfield Street and the proposal would necessitate the demolition of a range of existing depot buildings on the site.

The application is accompanied by a design and access statement, ecology and protected species survey, building for life assessment and remedial method statement. In addition a viability report has been submitted which demonstrates that the scheme cannot make any further Section 106 contributions in addition to the contribution it makes to affordable housing provision.

The application has been called to Planning Committee by Councillor Johnson because of local concerns and overlooking impacts towards Zetland Close and Bedale Close. Amended plans have been secured during the course of the application in order to try and address the overlooking impacts towards Zetland Close and Bedale Close.

Recent Planning History:

14/00890/DEM - Demolition of depot buildings - No objections

07/0117/3FD - Erection of pre-fabricated office accommodation for a temporary period of two years - Permitted.

### 2. Publicity

39 no. neighbours have been notified (Date of last notification 16 March 2015)

Site Notice displayed 6 November 2014

Press Notice published 12 November 2014

### 3. Consultations

County Highway Authority

Environment Agency

Severn Trent Water Limited

Head of Environmental Protection

LCC ecology

NWLDC Urban Designer

National Forest Company

LCC Development Contributions

NHS Leicester, Leicestershire And Rutland Facilities Management

Head Of Leisure And Culture

Manager Of Housing North West Leicestershire District Council

Police Architectural Liaison Officer

Head of Street Management North West Leicestershire District Council

#### 4. Summary of Representations Received Statutory Consultees

**Environment Agency** has no objection subject to the inclusion of relevant notes to applicant.

**Leicestershire County Council Ecologist** has no objection to the proposal and there is no evidence of bats in the buildings. No further surveys or action is required.

**Leicestershire County Council Highway Authority** has no objection subject to the inclusion of relevant highway conditions and obligations.

**North West Leicestershire District Council Contaminated Land Officer** has no objections subject to relevant conditions.

**North West Leicestershire Environmental Protection Section** has no environmental observations.

**Severn Trent Water** has no objections subject to the inclusion of relevant drainage conditions.

#### Third Party Representations

A total of three letters of objection have been received from surrounding occupiers objecting to the application on the following grounds:

- proposed bin storage areas would be sited in close proximity to existing residential gardens;
- concerns regarding maintenance of fencing;
- request for off-street car parking for existing residents along Highfield Street;
- concern regarding the level of parking and highway safety of the scheme.

#### 5. Relevant Planning Policy

##### National Policies

##### *National Planning Policy Framework*

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 listed 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 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraph 32 (Promoting sustainable transport)

Paragraph 34 (Promoting sustainable transport)  
Paragraph 47 (Delivering a wide choice of high quality homes)  
Paragraph 49 (Delivering a wide choice of high quality homes)  
Paragraph 57 (Requiring good design)  
Paragraph 59 (Requiring good design)  
Paragraph 60 (Requiring good design)  
Paragraph 61 (Requiring good design)  
Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraph 118 (Conserving and enhancing the natural environment)  
Paragraph 123 (Conserving and enhancing the natural environment)  
Paragraph 173 (Ensuring viability and delivery)  
Paragraph 203 (Planning conditions and obligations)  
Paragraph 204 (Planning conditions and obligations)

### **Adopted North West Leicestershire Local Plan (2002)**

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S2 - Limits to Development  
Policy E3 - Residential Amenities  
Policy E4 - Design  
Policy E7 - Landscaping  
Policy E8 - Crime Prevention  
Policy F1 - National Forest General Policy  
Policy T3 - Highway Standards  
Policy T8 - Parking  
Policy H4/1 - Housing Land Release  
Policy H6 - Housing Density  
Policy H7 - Housing Design  
Policy H8 - Affordable Housing  
Policy L21 - 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 Coalville area.

Key Principle AH3 requires a minimum of 20% of residential units to be available as affordable housing within the Coalville area.

#### **North West Leicestershire District Council Play Area Design Guidance SPG**

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

#### **6Cs Design Guide (Leicestershire County Council)**

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the

design and layout of new development.

## **6. Assessment**

### **Principle**

The site is located within the limits to development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations.

Policy H4/1 of the Local Plan 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 application site is located within Coalville which benefits from a range of local services/facilities and is accessible via public transport. Therefore, the proposal is considered to score well against the sustainability advice in the NPPF.

The provision of 28 affordable dwellings on a brownfield site that would help to maintain the Council's housing land supply position would also count in favour of the scheme. Taking all of these issues into account, the proposal is considered acceptable in principle.

### **Density**

Policy H6 of the North West Leicestershire Local Plan both seek to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account factors such as housing mix, accessibility to centres and design. Policy H6 of the North West Leicestershire Local Plan also requires a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services and a minimum of 30 dwellings per ha elsewhere. The NPPF states that Local Planning Authorities should set out their own approach to housing density to reflect local circumstances.

With a site area of 0.51 hectares, the proposal would have a density of 54.9 dwellings per hectare. It is noted that the policy does not set a maximum density requirement and requires a minimum density of 40 dwellings per hectare in sustainable locations. On this basis, the scheme is not considered to conflict with Policy H6 of the Local Plan or the advice in the NPPF. Nevertheless, the Policy states that other considerations need to be taken into account including design which is considered in more detail below.

### **Design**

The need for good design in new residential development is outlined not only 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 traditional form of development along Highfield Street is characterised by back of footway/frontage development which is predominantly two-storey in height. Dwellings are typically constructed of red brick and plain tile in the locality. The application site and the existing depot buildings that are on the site are at odds with the general pattern of development in the surrounding area. The buildings are set within a generous curtilage with most buildings set back from the general building line of the street which dilutes the sense of enclosure found within the adjoining parts of the street. The frontage of the scheme has been designed to take into account the prevailing building line in the surrounding area with Plots 1-7 fronting the highway.

The scheme has been the subject of extensive discussions and negotiations with the District Council's Urban Designer at the pre-application advice stage and during the course of the application, and has been amended in order to address previously expressed concerns regarding the design quality of the scheme. The concerns principally related to the appearance of the dwellings and whether they were in keeping with the character and appearance of the surrounding area, the extent of displaced parking and the relationship between the proposed development and bungalows on Zetland Close. The amended plans represent an improvement over the originally submitted plans although it would still be necessary to attach relevant planning conditions to ensure an appropriate brick, brick bond, roof tiles, chimney details, eaves, verges, windows and doors are secured. The District Council's Urban Designer considers that the scheme still merits a number of amber indicators that suggest areas of the proposals still require further work. However, these matters could be addressed through suitably worded planning conditions.

In terms of design issues, therefore, it is considered that the proposed dwellings are appropriate in this area, and the requirements of Local Plan Policies E4, H7 and the design advice in the NPPF are considered to be met by the scheme subject to the inclusion of relevant design conditions.

### **Residential Amenity**

Consideration has been given to the impact of the development on surrounding residential properties. The most immediately affected dwellings would be located off Highfield Street, Zetland Close and Bedale Close.

Plot 1 would be sited generally in line with No.38 Highfield Street and neither the existing or proposed dwelling would have first floor habitable side windows. This would ensure that an acceptable relationship is formed in this part of the site. Plot 7 would be sited generally in line with No.74 Highfield Street and whilst no habitable room windows are proposed on the side elevation of Plot 7 there are first floor side windows serving habitable rooms on No.74 and these would look towards the rear amenity space of Plot 7. Whilst this relationship is not ideal in terms of the amenity of future occupiers, it is noted that Plot 7 would benefit from a fairly large rear garden and the layout plan also includes for landscaping on the boundary which would assist in reducing any direct overlooking issues.

The original site layout showed that Plots 8-13 would be sited between 8 and 10.5 metres away from the boundary with bungalows located on Zetland Close. The applicant was advised to amend the positioning of Plots 12 and 13 in order to provide a greater distance between first floor rear windows and the boundary with the rear amenity space belonging to 12 Zetland Close. Amended plans have been received securing a more acceptable relationship with this property as the finished floor level of the proposed dwellings has been reduced by 0.3 metres and they

have been re-sited a further 1 metre away from the boundary with 12 Zetland Close. A sectional drawing has been provided which demonstrates that no significant overlooking issues would arise and the landscaping condition could require the planting of a row of trees along this boundary which would further improve this relationship.

Plots 14-20 would be sited between 7 and 9 metres from the rear amenity space belonging to plots 10 Zetland Close and 11 Bedale and some overlooking issues may arise. Whilst a greater distance would have been preferable, it should be noted that there are currently two large industrial buildings which are located immediately on the boundary with these properties and which currently cause overbearing impacts upon these properties. On balance, the proposal is considered to represent an improvement to the residential amenities of these properties and the landscaping condition could require the planting of a row of trees along this boundary which would further improve this relationship.

The two storey building serving plots 23-28 would be located at the end of the rear gardens belonging to No.38 and N0.40 Highfield Street. The 'L' shaped elevation of the apartment block would impact predominantly on No.38 Highfield Street. In terms of overlooking, the 'L' shaped elevations would contain two windows at first floor level that would look directly towards the end section of the rear garden belonging to No.38. However, these do not serve habitable windows and are shown as obscure glazing which would ensure against significant direct overlooking impacts. The eastern side end gable to the apartment block would contain two first floor bedroom windows but these would only have an oblique view towards the rear garden of No.38. Having regard to the overall size of the rear garden belonging to No.38 and the relationships outlined above, it is not considered that any significant overlooking issues would arise. In terms of overshadowing impacts, the orientation between the existing garden and the proposed dwelling would ensure that no significant overshadowing impacts would arise. There would be some overbearing impacts upon the end section of the rear garden but given the overall size of the rear garden these are not considered to result in significant impacts upon residential amenity that would warrant a refusal of the application.

Having regard to all of the above, it is deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the Local Plan.

### **Highway Safety**

Vehicular access to the site would be provided by upgrading the existing access onto Highfield Street. The submitted plan indicates that this access would be a minimum width of 4.8 metres overall. The County Highway Authority states that they would normally seek to resist a proposal that could lead to an increase in use of an access where visibility is substandard. However, on the basis of the existing use of the site and the potential for traffic, it is unlikely that it would be possible to sustain a reason for refusal on highways grounds. A range of conditions and obligations are recommended by the County Highway Authority should planning permission be granted.

In terms of proposed parking, the Local Plan includes parking standards in the Annex (based on Leicestershire County Council parking standards) that seeks to ensure that no more than an average of 1.5 off-street car parking spaces are provided per dwelling, and were based on the advice contained in PPG3. PPG3 has now been superseded by the advice in the NPPF which is less prescriptive in terms of parking standards. The advice in the NPPF is that Local Planning Authorities should, amongst other things, take account of expected levels of car ownership, the type, mix, accessibility and use of the development and the opportunities for public transport.



A total of 48 car parking spaces are proposed which equates to an average of 1.71 car parking spaces per dwelling. Whilst this level of car parking is over and above the level required by the Local Plan, it is noted the County Highway Authority raises no objections to the level of car parking and the submitted layout is acceptable in this regard. With the exception of one bed units on the site, all properties would have access to two car parking spaces. On this basis, the level of car parking is considered to be acceptable.

The County Highway Authority also requires a construction traffic routing agreement which would need to be secured by a Section 106 agreement.

A letter of representation from a surrounding neighbour has indicated that the proposed development should provide off-street car parking spaces for existing residential properties. No such provision is proposed on the plan and the County Highway Authority consider the scheme to be acceptable without providing additional car parking for existing properties.

In conclusion, the County Highway Authority has no objections to the proposed development subject to relevant highway conditions. Therefore, it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan or the advice in the NPPF.

### **Flood Risk and Drainage**

The Environment Agency flood zone maps indicate that the site lies within Flood Zone 1, and on this basis the site would appear suitable for development in principle (and in flood risk sequential terms, would meet the requirements of the NPPF). Conditions would need to be attached to any planning permission to ensure that detailed and satisfactory surface water and foul drainage schemes are provided on the site.

Overall, in terms of issues of Flood Risk and Drainage, it is considered that the scheme is acceptable, and would provide for appropriate drainage solutions to accommodate the proposed development. In coming to this conclusion it is noted that the Environment Agency and Severn Trent Water raise no objections to the proposed development subject to the inclusion of relevant planning conditions and notes to applicant.

### **Developer Contributions**

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.

In summary, the developer contributions required in respect of this application having regard to the requirements of the District Council's guidance and other service providers' requests are as follows:

- Provision of affordable housing (minimum of 20%);

- Payment of £35,752.34 to Leicestershire County Council in respect of high school education;
- Payment of £1,831 to Leicestershire County Council in respect of civic amenity;
- Payment of £1,340 to Leicestershire County Council in respect of Libraries (towards the costs of an enhanced programme of refurbishment / improvements to facilities, including equipment and other library materials);
- Provision of an on-site children's play area (including provision of a commuted sum in respect of future maintenance) or an off-site contribution of £24,700;
- Provision of Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack);
- Provision of 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £350.00 per pass);
- New/Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop;
- Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display;
- Payment of the District and County Councils' Section 106 monitoring fees

Whilst the need for the contributions per se is not disputed, the applicants are of the view that, should any of the contributions requested above be sought, the scheme would become unviable. The applicants have therefore provided a viability assessment, and that has been reviewed on the Local Planning Authority's behalf by the District Valuer. The viability assessment indicates that as the scheme is for 100% affordable housing that the developer is unable to pay for any further contributions on the site and the District Valuer confirms that the findings in the viability assessment are accurate.

As such, it would appear that the District Council needs to consider whether the aim of securing a significant number of new affordable dwellings, which is strongly supported by the Council's Affordable Housing Enabler, outweighs the shortfall in contributions which would normally be sought in association with new residential development. Given that the District Valuer has agreed with the findings contained in the viability assessment, the view is taken that the significant benefits from the provision of additional affordable housing and contributing to the Council's housing land supply position would, on balance, be considered to outweigh the harm which the non-provision of the otherwise required developer contributions would result in.

It would be necessary for the applicant's to enter into a Section 106 agreement to secure an all affordable housing scheme given that the viability assessment indicates that the scheme cannot afford to pay other developer contributions given the affordable nature of the scheme. A Section 106 agreement would also be required in order to control construction traffic routing.

#### **Other**

The County Ecologist raises no objections to the submitted ecological information and the

application is considered to be acceptable in terms of its impact upon protected species and any other ecological constraint on the site.

In terms of neighbour objections raised that have not already been addressed maintenance issues are not material planning considerations.

**Conclusion**

The site is located in a sustainable settlement and the principle of the development is considered to be acceptable. The proposed development would be acceptable in terms of the residential amenities of existing and future occupiers, and would provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety subject to appropriate planning conditions. The scheme would not result in significant impacts upon protected species and there would be no flood risk or drainage issues. There are no other relevant material planning considerations that indicate planning permission should not be granted.

The District Council's decision to grant planning permission arose following careful consideration of the development plan and all other relevant considerations.

Therefore, it is recommended that full planning permission be granted, subject to relevant planning conditions and legal obligations to ensure that affordable housing is provided on the site.

**RECOMMENDATION - PERMIT, subject to the following conditions and subject to a legal agreement to ensure that affordable housing is provided on the site;**

- 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:

Drawing number 40076/019A deposited with the local planning authority on 24 February 2015;

Drawing number 40076/002M deposited with the local planning authority on 24 February 2015;

Drawing number 40076/016A deposited with the local planning authority on 24 February 2015;

Drawing number 40076/015E deposited with the local planning authority on 24 February 2015;

Drawing number 40076/012B deposited with the local planning authority on 11 December 2014;

Drawing number 40076/011B deposited with the local planning authority on 11 December 2014;

Drawing number 40076/013B deposited with the local planning authority on 11 December 2014;

Drawing number 40076/008C deposited with the local planning authority on 11

December 2014;  
Drawing number 40076/007B deposited with the local planning authority on 11 December 2014;  
Drawing number 40076/014C deposited with the local planning authority on 11 December 2014;  
Drawing number 40076/001 deposited with the local planning authority on 13 October 2014;  
Drawing number 40076/003 deposited with the local planning authority on 13 October 2014;  
Drawing number 40076/009A deposited with the local planning authority on 13 October 2014;  
Drawing number 40076/006A deposited with the local planning authority on 13 October 2014;  
Drawing number 40076/005A deposited with the local planning authority on 13 October 2014.

*Reason - To determine the scope of this permission.*

- 3 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until details/samples (as appropriate) of the:-
- i. bricks
  - ii. eaves and verges
  - iii. roofing materials
  - iv. rain water goods
  - v. windows and doors (including heads and cills)
  - vi. render

have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the works shall be executed in accordance with that agreement.

*Reason - To ensure that the works are executed in an appropriate manner given the prominence of the site.*

- 4 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until such time as precise details of the treatment of all hard surfaces 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.

*Reason - To ensure the development provides for a satisfactory form of design, in the interest of amenity.*

- 5 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).

*Reason - The existing details are unacceptable from a design perspective.*

- 6 No development shall commence on site until such time as detailed finished floor levels

and site levels (in relation to a fixed datum point and indicating surrounding land levels) have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details.

*Reason - To ensure appropriate land levels because finished floor levels have not been supplied with the application.*

- 7 Notwithstanding the submitted plans, nor Condition 2 above, no dwelling shall be occupied until such time as precise details of the positioning and finishes of utility boxes to individual units 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.

*Reason - To ensure an appropriate form of design.*

- 8 No dwelling shall be occupied until such time as a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following the first occupation of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The scheme shall have particular regard to the treatment of the site boundaries.

*Reason - To ensure satisfactory landscaping is provided within a reasonable period.*

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

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

- 10 No development shall commence on site until such time as a scheme for the parking courtyards, including numbering of spaces and illumination, has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details.

*Reason - To ensure the development provides for a satisfactory form of design, in the interest of amenity.*

- 11 No development shall commence on site until provision has been made for the satisfactory disposal of foul and surface water from the site in accordance with a scheme which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

- 12 Before first occupation of any dwelling hereby permitted, all redundant existing vehicular accesses shall be closed permanently and the redundant existing vehicular crossings reinstated in accordance with a scheme that has first been submitted to and agreed in writing with the Local Planning Authority.

*Reason - In the interests of pedestrians and in the general interests of highway safety.*

- 13 Before first occupation of any dwelling, the car parking and turning shall be provided, hard surfaced and made available for use as shown on the submitted plans. The parking spaces and turning areas so provided shall thereafter be permanently so maintained.

*Reason - To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.*

- 14 Before first occupation of any dwelling hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.

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

- 15 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected at the access they shall be set back a minimum distance of 5 metres behind 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.*

- 16 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

*Reason - To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.*

- 17 Before the development commences, details of satisfactory pedestrian visibility splays at the junction of each private access with the main access road shall be submitted to the Local Planning Authority for approval in writing. Before the first occupation of each dwelling, the approved pedestrian visibility splays in connection with the access serving that dwelling shall be provided with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

*Reason - In the interests of pedestrian safety.*

- 18 Before the development commences, details of maximum achievable visibility splays at the junction of the private drive with Highfield Street shall be submitted to the Local Planning Authority for approval in writing. The approved visibility splays shall be

provided before first occupation of any dwelling hereby permitted, and shall be so maintained in perpetuity. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

*Reason - To afford satisfactory 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.*

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

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

- 20 The proposed access shall have an EFFECTIVE width of a minimum of 4.8 metres for a distance of at least 10 metres behind the highway boundary.

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

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

- 21 Before first occupation of any dwelling hereby permitted, the vehicular access to the site shall be provided with 6 metre radii on both sides of the access.

*Reason - To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to the site and protect the free and safe passage of traffic in the public highway.*

- 22 Before the development hereby permitted is first used, cycle parking provision shall be made to the satisfaction of the LPA and once provided shall be maintained and kept available for use in perpetuity.

*Reason - In the interests of the sustainability of the development and to encourage alternative transport choice.*

- 23 Notwithstanding the submitted details, no development shall commence on site until such time as precise details of amendments to the existing waiting restrictions complete with associated road markings and signage has been submitted to and agreed in writing by the Local Planning Authority. No dwelling shall be occupied until such time as the agreed scheme has been implemented in full, unless otherwise agreed in writing with the Local Planning Authority.

*Reason - To ensure a satisfactory form of access and in the interests of road safety.*

- 24 Notwithstanding the details shown on the approved plans, no development shall commence until details of any bin stores and any bin storage areas for the proposed units have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

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

- 25 The window units serving the first floor hall, bathroom and landing on the apartment block 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 avoid the possibility of overlooking of the adjacent development.*

**Notes to applicant**

- 1 This decision is subject to a Section 106 Obligation regarding the following matters:
  - Provision of on-site affordable houses;
  - Construction traffic routeing;
  - Monitoring fees.
- 2 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.
- 3 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and 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).
- 4 Your attention is drawn to the comments made by the Environment Agency (ref: LT/2014/118704/01-L01)
- 5 In relation to Condition 4, the use of a Charcon Woburn Graphite Rumbled block or equivalent is recommended. The Local Planning Authority would also encourage the use of a permeable surfacing material.
- 6 In relation to Condition 10, it is expected that the parking courtyards be illuminated by bollard lighting and that spaces should be numbered by metal plates rather than thermoplastic white markings.
- 7 In relation to Condition 5, the Local Planning Authority would expect that public facing boundaries are constructed in brick rather than timber.
- 8 On the basis of the submitted plans, the details of visibility splays, including pedestrian visibility splays are not in accordance with the guidance contained in 'The 6Cs Design Guide'. Before development commences, an amended plan should be submitted to and approved by the Local Planning Authority.

The Highway authority would recommend that a requirement for details of the routeing of construction traffic, to be approved by the Local Planning Authority in consultation with the Highway Authority, should be included in a S106 legal agreement. During the period of construction, all traffic to and from the site shall use the agreed route at all times unless otherwise agreed in writing by the LPA.

Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. If Schedule 3 of the Flood and Water Management Act 2010 is implemented



Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. The SAB role is currently anticipated to commence in April 2014. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please e-mail [roadadoptions@leics.gov.uk](mailto:roadadoptions@leics.gov.uk) if you wish to discuss further.

The internal layout geometry does not comply with current adoptable standards contained in the Leicestershire County Council publication 'The 6Cs Design Guide' and will not be adoptable in this format. The Applicant is strongly encouraged to provide a layout that will be suitable for adoption in accordance with this guidance. The Highway Authority will, however, serve APCs in respect of all plots served by the private road within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see [www.leics.gov.uk/htd](http://www.leics.gov.uk/htd) or phone 0116 3057198. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it. Details of the future maintenance of the private road should be submitted for the approval of the LPA before any dwelling is occupied.

Normally, when a layout provides details of direct frontage access onto an access road, a 2 metres wide footway should be provided on that side.

C.B.R. Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.

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 the Infrastructure Planning Team. For further information you are advised to visit the County Council website ([www.leics.gov.uk/6CSDG](http://www.leics.gov.uk/6CSDG)), or email [roadadoptions@leics.gov.uk](mailto:roadadoptions@leics.gov.uk).

- 9 In relation to Condition 8, it is recommended that a row of trees be provided along the northern boundary to further improve the relationship between the scheme and the adjacent properties.
- 10 In relation to Condition 3, it is recommended that the render used on the scheme is traditionally applied rough cast render, consistent with the traditional characteristics of the area from which the scheme draws its inspiration.

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Demolition of existing fire station and erection of a new retail unit with associated car parking, landscaping and site works and external lighting

Report Item No  
A3

Moira Fire Station Shortheath Road Moira Swadlincote Derby DE12 6AL

Application Reference  
15/00063/FUL

Applicant:  
Mr James Pritchard

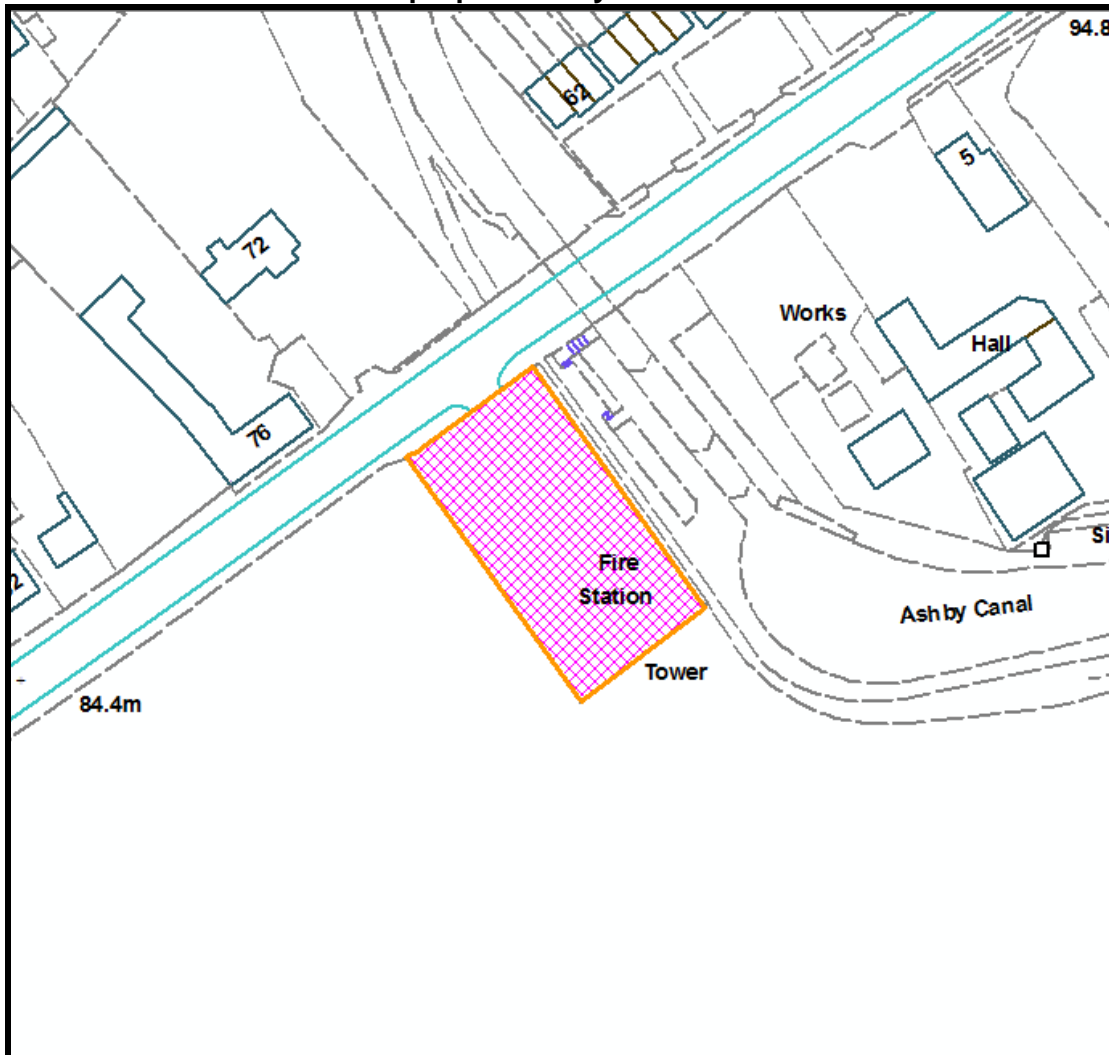
Date Registered  
29 January 2015

Case Officer:  
Jenny Davies

Target Decision Date  
26 March 2015

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Recommendation**

### **Call In**

The application is reported to the Planning Committee at the request of Councillor John Bridges as a matter of local concern in respect of highway safety and impact on local residents.

### **Proposal**

Planning permission is sought for the demolition of an existing fire station and the erection of a new retail unit with associated car parking, landscaping and site works at Moira Fire Station, Shortheath Road, Moira. The new building would be sited on the rear of the site and would have a floor area of 334 square metres. Following concerns regarding the design of the building, amended plans have been received. Access would be provided by the existing access off Shortheath Road and fourteen parking spaces and a turning area would be provided on the front part of the site.

### **Consultations**

Members will see from the main report that three letters of representation have been received, two from local residents and one from Councillor Sheahan. Ashby Woulds Town Council object on the basis of highway safety and noise and disturbance and the National Forest raised concerns regarding the design of the building shown on the original plans.

### **Planning Policy**

The site lies within the Limits to Development, as defined by the North West Leicestershire Local Plan Proposals Map 2002.

### **Conclusion**

The site is considered to be acceptable in principle for demolition of the existing building and erection of a new retail unit. The proposal would result in less than substantial harm to the Moira Furnace which is in this case considered on balance to be outweighed by the removal of a vacant building which is not considered to be of high design quality, the re-use of a previously developed site and the provision of a local facility in a rural area. The proposal would not detract from the area's visual amenities. On balance it is considered that a reason for refusal based on the proposal not providing safe and suitable access or resulting in severe impacts on highway safety could be justified in this case. A reason for refusal on the grounds of significant impacts on the residential amenities of occupiers of nearby dwellings from noise and disturbance or light pollution could not be justified in this case. The building would not result in significant detriment to residential amenities from loss of light, overlooking or loss of privacy or significant antisocial behaviour and crime. The proposal is unlikely to adversely impact on protected species. It can be ascertained that the proposal will 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. Conditions can be imposed in relation to contaminated land.

There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposed development therefore accords with the planning policies stated above. 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**

Planning permission is sought for the demolition of an existing fire station and the erection of a new retail unit with associated car parking, landscaping and site works at Moira Fire Station, Shortheath Road, Moira. The site is located on the southern side of Shortheath Road and is currently occupied by a detached building which was previously in use as a fire station and closed in August 2014. The site is adjoined by open fields to the south and west, with Ashby Canal to the east and existing dwellings to the north on the opposite side of Shortheath Road.

The new building would be sited on the rear of the site and would have a floor area of 334 square metres. The building was originally proposed to be constructed from brick and proprietary metal cladding with a glazed frontage. However following concerns regarding the design of the building, amended plans have been received which have amended the design of the building to include an asymmetrical roof and canopy and vertical timber cladding and render to the elevations. External lighting is also proposed in the form of two five metre high columns within the car park and six wall-mounted lights on the front and side elevations of the building.

Access would be provided by the existing access off Shortheath Road and fourteen parking spaces and a turning area would be provided on the front part of the site, with a service yard located to the side of the new building.

Moira Furnace, which is located to the south of the site, is a Grade 2 listed building and an Ancient Monument. The site lies within the catchment area of the River Mease Special Area of Conservation. All recent planning history back to 2001 relates to the site's use as a fire station.

### **2. Publicity**

20 neighbours have been notified (Date of last notification 27 March 2015)

Site Notice displayed 11 February 2015

Press Notice published 11 February 2015

### **3. Consultations**

Head of Environmental Protection  
 Ashby Woulds Town Council  
 County Highway Authority  
 Severn Trent Water Limited  
 Head of Environmental Protection  
 County Archaeologist  
 Ashby Canal  
 PSSC Canal And River Trust  
 Inland Waterways Association Lichfield Branch

### **4. Summary of Representations Received**

#### **Statutory Consultees**

**Ashby Woulds Town Council** objects on the following grounds:

- Highway Safety - The Town Council continues to campaign for speed reduction and part of that is a request for a pedestrian crossing near this site. Motorists speed along Bath Lane and there has been a number of accidents on the bend close to this site.
- Comings and Goings and disturbance - the proposal will have a detrimental impact on residents living nearby and opposite the site.
- Parking provision - whilst parking is provided it is known that customers visiting a convenience store park on the road even where there is adequate parking. Parking outside this location will cause additional hazards.
- The Town Council is also concerned that planning permission has already been granted for a convenience store only a few hundred yards away as part of the development of land off Measham Road. The Town Council is therefore instructing District Cllr Bridges to call in this application.

**The County Highway Authority** advises that the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 32 of the NPPF, subject to the conditions and contributions as outlined in this report.

**The Council's Environmental Protection team** recommends the imposition of conditions.

**The National Forest Company** considers that amendments should be sought for a redesign of the unit to better reflect its prominent position adjacent to a key tourism and leisure route within the Heart of the National Forest.

**The Canal and River Trust** has no comments.

**The Inland Waterways Association** has no objection.

No comments have been received from Severn Trent Water, the County Archaeologist or the Ashby Canal Trust at the time of writing this report. Any comments subsequently received will be reported on the Update Sheet.

### **Third Party Representations**

One letter of representation has been received which objects to the application on the following grounds:

- existing shop and Post Office could be closed/put out of business;
- already permission for a retail unit on the Measham Road site and no need for two;
- the location of the site is totally inappropriate and not in keeping with existing land use;
- previous fire station had minimal impact on the locality;
- the Ashby Canal and Moira Furnace would visually suffer from the proposal;
- significant earthworks will be required due to the ground levels on and adjacent to the site;
- impact on residents from noise and lighting;
- loss of privacy;
- increased traffic movements at peak times, close to mini roundabouts where there are already bottlenecks and close to the location of existing events/facilities, e.g, the canal, Conkers, Canal Festival;
- Transport Statement sets out a drastic under-estimation of the traffic volume calculations;
- use of the access will greatly increase the risk of a serious collision between vehicles and/or pedestrians, due to lack of visibility, speeding traffic and adjacent pedestrian crossing;

- limited parking spaces would be provided and on-street parking will take place which will increase the risk for traffic accidents;
- traffic surveys undertaken by the applicant and the Highway Agency consultation response are not available to view on the Council's website;
- potential magnet for anti-social behaviour and littering;
- two retail units in nearby villages have been the subject of robberies in recent years.

One letter of representation has been received which advises that there is no objection to the retail unit but has five stipulations:

- lighting must face downwards and be hooded;
- no music outside;
- adequate rubbish bins required;
- no parking alongside the boundary to No. 72 Shortheath Road;
- a safety method to slow traffic down and warn traffic about pedestrians, although not 'sleeping policemen'.

One letter of representation has been received from Councillor Sheahan which requests the provision of a pedestrian crossing on Shortheath Road as there is no safe crossing point in the vicinity of the site, which would also benefit users of the canal. The suggestion of a pedestrian crossing has previously been discussed but there was always a risk of conflict with fire engines, which is no longer the case.

## **5. Relevant Planning Policy**

### **National Planning Policy Framework**

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 listed 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 (Presumption in favour of sustainable development)
- Paragraph 17 (Core planning principles)
- Paragraph 19 (Building a strong, competitive economy)
- Paragraphs 24 and 25 (Ensuring the vitality of town centres)
- Paragraph 28 (Supporting a prosperous rural economy)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 57 (Requiring good design)
- Paragraph 70 (Promoting healthy communities)
- Paragraphs 118, 119, 120 and 123 (Conserving and enhancing the natural environment)
- Paragraph 134 (Conserving and enhancing the historic environment)
- Paragraphs 203 and 204 (Planning conditions and obligations)



## **Adopted North West Leicestershire Local Plan (2002)**

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 - Overall Strategy  
 Policy S2 - Limits to Development  
 Policy E2 - Landscaped Amenity Open Space  
 Policy E3 - Residential Amenities  
 Policy E4 - Design  
 Policy E7 - Landscaping  
 Policy E8 - Crime  
 Policy E9 - Mobility  
 Policy F1 - National Forest - General Policy  
 Policy F2 - Tree Planting  
 Policy F3 - Landscaping & Planting  
 Policy T3 - Highway Standards  
 Policy T8 - Parking  
 Policy R1 - Central Shopping Areas  
 Policy R20 - Individual Shops

### **Other Guidance**

National Planning Practice Guidance - March 2014.  
 The Community Infrastructure Levy Regulations 2010.  
 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 and sustainability of the development, its design and visual impact and its impact on a nearby listed building, highway safety, residential amenities, protected species and on the River Mease Special Area of Conservation.

### **Principle and Sustainability**

The site is located within the Limits to Development identified in the adopted North West Leicestershire Local Plan, where the principle of new development is considered acceptable for the purposes of Policy S2 of the Local Plan, subject to compliance with other relevant policies of the Development Plan and other material considerations.

The NPPF requires main town centre uses such as retail developments to be directed firstly to town centre locations, an approach which is reflected by Policy R1 of the Local Plan. However Policy R20 of the Local Plan sets out the circumstances in which the development of individual local shops will be permitted away from existing or proposed shopping areas.

In the absence of a demonstration of need for an additional shop in this location, the proposal would fail to comply with these policies. However, the content of these policies has become outdated in the light of the advice set out in the NPPF and it is considered more important to give weight to the provisions of the NPPF in the determination of the application in respect of

this matter. Whilst concern has been raised regarding impact on the existing shop/Post Office and that permission exists for a new retail unit on the Measham Road housing development, competition between businesses is not a planning matter and the demonstration of need for a retail unit is no longer required under the NPPF. The proposal also falls below the threshold of 2500 square metres for submission of a retail impact assessment. Moira does not have a defined village centre identified in the Local Plan. Furthermore the NPPF advises that the sequential approach should not be applied to small scale rural development. Therefore it is considered that a sequential test does not need to be undertaken in this case. The NPPF also supports the sustainable growth of business in rural areas and promotes the development of local services in villages, such as local shops.

The site is well related to other services/facilities within the village and also to existing housing and employment sites. A bus service runs past the site with bus stops located within 250 metres of the site and the site is also located adjacent to the canal towpath which is used for walking and cycling. Cycle parking facilities could be provided within the site. As such there are opportunities to access the site by modes of transport other than the private car.

The proposal would result in the loss of a building that was previously used as a fire station. At paragraph 70, the NPPF seeks to 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. The fire station use ceased in August 2014 following an operational review undertaken by the Leicestershire Fire and Rescue Service and the opening of a new fire station at Castle Donington, and the building has been empty since then. The site is well related to the main part of the village and forms previously developed land. A fire station use is 'sui generis' and therefore the building could not be used for any other use without submission of a planning application. There are other local and community facilities/services within the village and as such the loss of this building, and its replacement with a retail unit, would not reduce the community's ability to meet its day to day needs. The site is therefore considered to be acceptable in principle for demolition of the existing building and erection of a new retail unit.

## Historic Environment

Moira Furnace lies 260 metres to the south of the site and is a designated heritage asset as defined in the NPPF as it is a Grade 2 listed building and scheduled monument. The Furnace was a coke-fuelled, steam-engine blown blast furnace for the smelting of iron from local iron ore, with an attached foundry for the manufacture of cast-iron goods and was constructed in 1804 by the Earl of Moira. It is considered to be an important industrial monument as it is well-preserved and dates from a formative period of the Industrial Revolution (Cranstone, D., ed. (1985) *The Moira Furnace: A Napoleonic Blast Furnace in Leicestershire*). The blast furnace, bridgehouse and loading ramp remain and the building is one of the few remaining blast furnaces from the early 19th century. Therefore the Furnace forms an important part of the history of this locality and is considered to be a heritage asset of some significance which has value for this and future generations.

The Furnace is visible in views from Shortheath Road, in particular the canal bridge, and from the adjacent canal towpath, and stands as a prominent feature in longer views due to its scale and height and adjacent open fields, although some screening is provided by the buildings and mature trees in its immediate foreground. The existing fire station building is seen in the foreground of the Furnace from the road and blocks the view of the furnace from part of Shortheath Road. The new building would also be seen in the foreground of the furnace and as it would be set back within the site, may impinge on views of the furnace from parts of the canal bridge. However the view of the furnace would be retained from some parts of the canal bridge,

as well as the approach to the bridge along Shortheath Road from the north east, from Shortheath Road to the south west of the site and from the towpath and canal. As such it is considered that the new building would not be significantly prominent in the setting of the Furnace when viewed from the north and would not adversely impact on its setting and would retain its significance, thereby resulting 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 less than substantial harm to the heritage asset is in this case considered on balance to be outweighed by the removal of a vacant building which is not considered to be of high design quality, the re-use of a previously developed site and the provision of a local facility in a rural area.

### **Design and Visual Impact**

The original design for the building was considered to be of a poor design quality and to not make any reference to the site's position in a prominent location within the National Forest and adjacent to the Ashby Canal and its towpath. The overall design was considered to be of a generic retail unit with materials typical of retail/commercial units, and a blank elevation faced towards the canal. The National Forest Company also raised concerns about the design, suggesting that development on this site should respond to its Forest context through innovative building design, well-conceived built form and integration into the wider Forest landscape. The National forest Company also commented the blank elevation to the canal would detract from the pleasant environment that has been created along this leisure corridor.

Amended plans have been received which retain the building on the rear of the site but more appropriate materials have been incorporated, in the form of brick, vertical timber cladding, more glazing and render to the front elevation and part of the elevation facing the canal, along with a canopy and asymmetrical roof. Although the cladding would still be used on the rear and western elevations these are less prominent. Furthermore whilst cladding is still retained along the canal elevation and only limited detail has been included to break up this elevation, it is considered that the amendments go some way to providing a building that is more responsive to its setting, reflects its location in the National Forest and no longer has the appearance of a generic retail unit.

Although the front of the site would largely be taken up by hardsurfacing, this provides an area which has full surveillance from the proposed building, the towpath and the road, whereas providing the parking on other parts of the site would create areas that would not be visible from the public realm. There are opportunities for soft landscaping which could be secured by condition. External lighting is also proposed in the form of two five metre high columns within the car park and six wall-mounted lights on the front and side elevations of the building. As such it is considered that that the proposal and would not significantly detract from the area's visual amenities.

### **Highway Safety**

Concerns have been raised by nearby residents and the Town Council in respect of highway safety matters, including increased traffic movements, speeds of traffic along Shortheath Road, poor visibility from the site access, an increase in on-street parking and the potential for conflict between vehicles and pedestrians. Furthermore the Town Council and Councillor Sheahan have asked for consideration to be given to the provision of a pedestrian crossing facility within Shortheath Road, which is understood to be a longstanding aspiration for the village.

The County Highway Authority advises that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with paragraph 32 of the NPPF, subject to conditions and a legal agreement to secure the route for delivery lorries to and from the site. However the Authority is of the view that it would not be fairly and reasonably related to the development to control the route that vehicles visiting the site could take, and therefore would not comply with the CIL Regulations, and that it would also be difficult to enforce such an agreement. In any case the agent has also advised that HGVs should not be able to turn left out of the site onto Shortheath Road due to the position of a utility box. The Highway Authority has suggested that a condition be imposed requiring deliveries to be undertaken in accordance with the Transport Statement, which requires areas of the car park to be coned off, and this is considered not to be unreasonable.

The applicants have submitted an addendum to the Transport Statement which concludes that it would not be viable to provide a crossing facility. In respect of the pedestrian crossing facility, the Highway Authority makes the following comments:

*We can normally only recommend improvements to the existing highway network when they are required because of the specific impact of a development, where they are necessary in order to deliver a safe and appropriate form of development and where any recommended planning conditions would otherwise pass the tests of conditions.*

*Full consideration has been given to the requirement for crossing facilities in this case both within this Team, and through liaison with the Sustainable Travel & Improvements Team.*

*In this case, there is a real difficulty in identifying exactly how many customers will travel to the site on foot. At a location like this, there is not a big catchment area from which customers will be drawn that is within the normally accepted maximum walking distances and so it can be anticipated that this will have a corresponding influence on the numbers of pedestrians.*

*Of those customers who do walk to the site, a significant percentage will be on routes that are served by the existing footways on the south side of Shortheath Road, and would not make use of an improved crossing facility. Of those customers on routes from the north side of Shortheath Road, a percentage would find it desirable to cross Shortheath Road at an existing crossing facility near to the double mini-roundabout junction with Measham Road and Rawdon Road, where vehicle speeds are lower.*

*Measured vehicle speeds on Shortheath Road are higher than desirable, but it is not a road that is so busy that customers would have to wait for a significant time to cross safely. Because the alignment of the road is straight, intervisibility between pedestrians and drivers is very good and so pedestrians will not need to 'take a chance' on when they cross.*

*There may be an existing number of pedestrian crossing movements in the vicinity of the site, due to the canal towpath, but, as outlined above, we can only look at the traffic impact of the development rather than looking at existing issues.*

*Initially, it would appear that the carriageway width of Shortheath Road is such that it would be difficult to accommodate a central refuge for pedestrians.*

It is therefore considered that a pedestrian crossing facility cannot be requested in this case.

Therefore on the basis of the current application and submitted information and the comments

of the Highway Authority it is not considered that a reason for refusal based on the proposal not providing safe and suitable access or resulting in severe impacts on highway safety could be justified in this case.

### **Residential Amenities**

The proposal would generate additional vehicular movements to and from the site as well as noise from use of the car park, e.g. car doors being shut, car lights, voices. Some vehicular movements were associated with the site's former use although it is acknowledged that these would have been on a more infrequent basis than the proposed use and any associated noise is also likely to have been less given the scale and nature of the previous use. The car park and access would be separated from the dwellings on the opposite side of Shortheath Road by the road itself and from the proposed dwellings at the Canalside Patios site to the north east by the canal and towpath. No. 72 Shortheath Road, which directly faces the site, is set back at least 22 metres from the road and No. 76 Shortheath Road is at least 14 metres from the site's front boundary. The site is also located in an area where there are other non-residential uses, e.g. Canalside Patios, Unwins Engineering and the Woodman pub further to the north east, and is on one of the main vehicular routes through the village.

Mechanical plant to provide ventilation and extraction will be located within the service area at least 32 metres from the proposed dwellings on the Canalside Patios site, at least 60 metres from No. 72 Shortheath Road and 40 metres from No. 76 Shortheath Road. The retaining wall and gates to the service yard will act as a sound barrier and the Environmental Protection team has no objections subject to a condition relating to the details and noise data sheets of the plant. The Environmental Protection team has been consulted in respect of the external lighting and their comments will be reported on the Update Sheet.

On balance, it is therefore considered that a reason for refusal on the grounds of significant impacts on the residential amenities of occupiers of nearby dwellings from noise and disturbance or light pollution could not be justified in this case.

The new building would be at least 35 metres from the proposed dwellings at Canalside Patios and at least 35 metres from No. 76 Shortheath Road. As such it is considered that the building would not result in significant detriment to residential amenities from loss of light, overlooking or loss of privacy.

### **Protected Species**

The site lies adjacent to Ashby Canal, is adjacent to open fields with hedgerows and a building would be demolished. All of these are features that could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

The County Ecologist advised before submission of the application that given the materials of construction to the roof of the existing building and that it has a flat roof, along with the site being fully hardsurfaced and the distance from the canal, that the proposal was unlikely to adversely impact on protected species and therefore a protected species survey was not required.

### **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).

Furthermore a nearby brook to the south of the site is a tributary of the River Mease. 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 would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). 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 is considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

Given the nature of the proposed use it is considered that it would not increase the foul drainage discharge from the site when compared with the former fire station use and therefore a contribution under the DCS is not required. The site is already covered by the existing building and hardstanding and as such there would not be an increase in surface water runoff. The nearby stream is over 70 metres away and it is considered that construction work would not impact on this watercourse.

Therefore it can be ascertained that the proposal will 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.

### **Other Matters**

The Environmental Protection team has requested the imposition of conditions relating to contaminated land due to the previous use of the site.

Local concern has been raised that the development would attract antisocial behaviour and crime. The service area would be enclosed and not accessible to members of the public and the area to the front of the store would be an active public area with good surveillance which would help to minimise the attraction of crime or antisocial behaviour.

It is considered unlikely that the location of the building adjacent to the Ashby Canal and its towpath would result in a reduction in users of and visitors to these facilities as it would be difficult to quantify this issue and the use of these facilities is very much down to people's preference.

In respect of other matters raised in the letters of representation that have not been addressed above, the playing of outside music and the adequate provision of rubbish bins are not planning matters and therefore cannot be taken into account in the determination of this application.

### **Conclusion**

The site is considered to be acceptable in principle for demolition of the existing building and erection of a new retail unit. The proposal would result in less than substantial harm to the Moira Furnace which is in this case considered on balance to be outweighed by the removal of a vacant building which is not considered to be of high design quality, the re-use of a previously developed site and the provision of a local facility in a rural area. The proposal would not detract from the area's visual amenities. On balance it is considered that a reason for refusal based on the proposal not providing safe and suitable access or resulting in severe impacts on

highway safety could be justified in this case. A reason for refusal on the grounds of significant impacts on the residential amenities of occupiers of nearby dwellings from noise and disturbance or light pollution could not be justified in this case. The building would not result in significant detriment to residential amenities from loss of light, overlooking or loss of privacy or significant antisocial behaviour and crime. The proposal is unlikely to adversely impact on protected species. It can be ascertained that the proposal will 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. Conditions can be imposed in relation to contaminated land. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposed development therefore accords with the planning policies stated above. It is therefore recommended that planning permission be granted.

**RECOMMENDATION, PERMIT, subject to the following condition(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 proposed development shall be carried out strictly in accordance with the following schedule of plans unless otherwise required by a condition of this permission:

- Drawing No. 11095-190 Revision E (Proposed Site Plan) received by the Local Planning Authority on 19 March 2015;
- Drawing No. 11095-210 Revision B (Proposed Roof and Floor Plan) received by the Local Planning Authority on 19 March 2015;
- Drawing No. 11095-310 Revision B (Proposed Elevations) received by the Local Planning Authority on 19 March 2015;
- Drawing No. 40028-E-800 Revision P (Proposed External Lighting) received by the Local Planning Authority on 18 March 2015;
- External Entrance Visual received by the Local Planning Authority on 18 March 2015;
- Drawing No. MA9932/601 (Proposed Site Contours) received by the Local Planning Authority on 10 March 2015;
- Drawing No. MA9932/600 (Site Access Design) received by the Local Planning Authority on 10 March 2015;
- Drawing No. 1095-180 Revision A (Proposed Block Plan) received by the Local Planning Authority on 25 February 2015;
- Drawing No. 141020-01 (Indicative Drainage Layout) received by the Local Planning Authority on 10 March 2015;
- Drawing No. 1095-90 (Existing Site Plan) received by the Local Planning Authority on 29 January 2015.

*Reason- To determine the scope of this permission.*

- 3 No development shall commence on site in relation to the construction of any part of the development hereby approved until the existing building shown on Drawing No. 1095-90 (Existing Location Plan) has been demolished in full, unless an alternative timescale for their demolition has first agreed in writing by the Local Planning Authority.

*Reason - To avoid the possibility of the coexistence of two unrelated developments which would be visually unsatisfactory and to prevent an adverse impact on the River Mease Special Area of Conservation/SSSI.*

- 4 Notwithstanding the details shown on the submitted plans, no development shall commence on site until a schedule/representative samples of all external materials for the new building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 5 Before first use of the development hereby approved details of soft and hard landscaping and a boundary treatment scheme for the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed soft landscaping scheme shall be provided in the first planting and seeding season following the first use of the building and the agreed boundary treatment and hard landscaping scheme shall be provided before first use of the building, unless alternative details or alternative implementation programmes are first agreed in writing with the Local Planning Authority.

*Reason- to ensure a satisfactory landscaping scheme is provided within a reasonable period; in the interests of visual amenity.*

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

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

- 7 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting these Orders) the building hereby approved shall only be used for Class A1 use and for no other uses whatsoever.

*Reason: alternative uses could also result in other planning impacts, e.g. impact on the River Mease SAC/SSSI, on highway safety, on residential amenities.*

- 8 Notwithstanding the submitted plans, no plant, machinery or other mechanical equipment shall be installed to the exterior of the building until such time as precise details of the proposed plant, machinery or equipment (and including details of the anticipated noise levels that would be generated together with any mitigation measures) have been submitted to and agreed in writing by the Local Planning Authority. No plant, machinery or other mechanical equipment shall be installed or operated at any time other than in accordance with the agreed details.

*Reason - In the interest of residential amenities.*

- 9 No deliveries shall be taken or despatched from the site outside the hours of 0700-1800 hours Monday to Saturday, nor outside the hours of 0700-1300 hours on Sundays, Bank or Public Holidays and all HGV deliveries to the site shall only be made in accordance



with the details set out in part 4.4 of the Transport Statement - MA9932-TS-R03 (February 2015) undertaken by Millward received by the Authority on 25 February 2015.

*Reason: In order to ensure that appropriate space for parking, manoeuvring and turning for HGVs will be provided within the site, in the interests of highway safety; in the interests of neighbouring residential amenities.*

10 The use hereby permitted shall not be open to customers outside the following hours: 0700 hours to 2300 hours Monday to Sunday.

*Reason - In the interests of the amenities of the area.*

11 Before first use of the development hereby approved, the following shall be provided:

- (i) the access to the site in accordance with the details shown on Drawing Nos. 1095-180 Revision A and 1095-190 Revision E (Proposed Block Plan and Proposed Site Plan) with a gradient not exceeding 1:12 for the first 12 metres behind the highway boundary;
- (ii) the car parking and turning facilities in accordance with the details shown on Drawing Nos. 1095-180 Revision A and 1095-190 Revision E (Proposed Block Plan and Proposed Site Plan) and the hardsurfacing agreed under condition 5;
- (iii) cycle parking in accordance with paragraph 3.3.2 of the Transport Statement - MA9932-TS-R03 (February 2015) undertaken by Millward;
- (iii) visibility splays of 2.4 metres by 54 metres at the junction of the access with Shortheath Road in accordance with the standards contained in the current County Council design guide.

The access shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) as agreed under condition 5 for a distance of at least 12 metres behind the highway boundary and the splays, access, car and cycle parking and turning space shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

*Reason: In the interests of highway safety.*

12 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 12 metres behind the highway boundary and shall be hung so as not to open outwards.

*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.*

13 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

*Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.*

- 14 No development (except any demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
- BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
  - BS 8576:2013 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.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and 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.

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;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The development shall be carried out in accordance with the agreed Remedial Scheme and Verification Plan.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

*Reason:- To ensure that the land is fit for purpose and to accord with the aims and objectives of paragraph 120 of the NPPF.*

- 15 Prior to occupation of the building hereby approved, a Verification Investigation shall be undertaken in line with the agreed Verification Plans for any works outlined in the Remedial Schemes and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved 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 and to accord with the aims and objectives of paragraph 120 of the NPPF.*

### 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 at the pre-application stage and 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 applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at [www.defra.gov.uk](http://www.defra.gov.uk)
- 3 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.
- 4 You must also apply to the Northern Area Manager, Leicestershire County Council, Granite Way, Mountsorrel, Leicestershire, LE12 7TZ (Tel: 0116 305 0001) for consent to construct or alter a vehicular crossing or any works within the highway limits.
- 5 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 6 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](http://www.groundstability.com)

Proposed Conversion of attached outbuilding to form one residential dwelling

Report Item No  
A4

19 Main Street Breedon On The Hill Derby DE73 8AN

Application Reference  
15/01103/FUL

Applicant:  
Mr & Mrs Butterworth

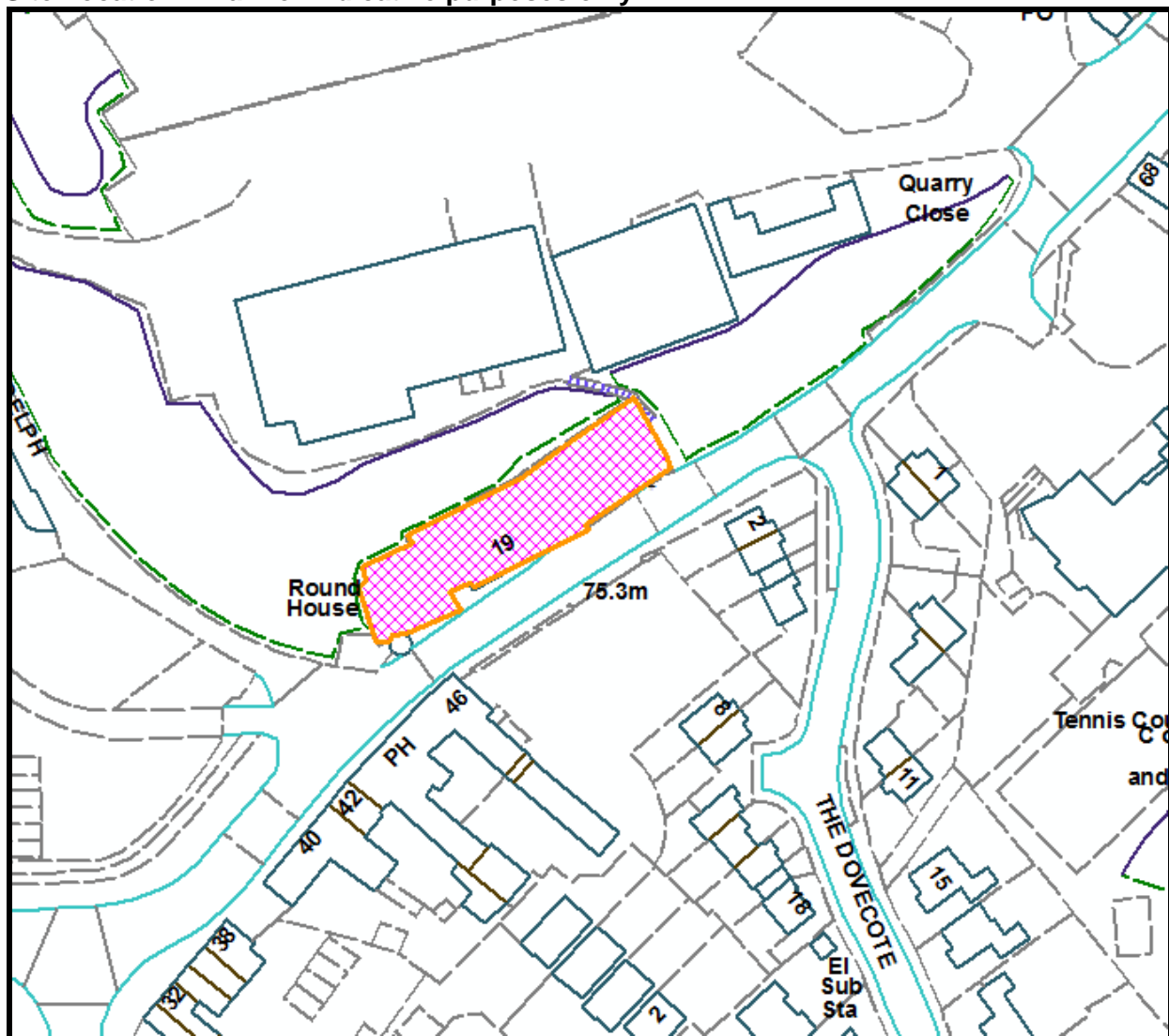
Date Registered  
18 February 2015

Case Officer:  
Adam Mellor

Target Decision Date  
15 April 2015

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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## EXECUTIVE SUMMARY OF PROPOSALS

### Call In

The application is brought to the Planning Committee as the agent for the application is related to three serving councillors (Caroline Large, Charles Meynell and Richard Blunt).

### Proposal

Permission is sought for the conversion of an attached outbuilding to a residential property at No. 19 Main Street, Breedon on the Hill. Externally the conversion would involve the insertion of windows and doors but no increase in the scale of the building with off-street parking being provided to serve both No. 19 and any future property. The site lies within the Breedon on the Hill Conservation Area as well as the defined limits to development.

### Consultations

No letters of representation from neighbours have been received to date and a response from Breedon on the Hill Parish Council is expected prior to the Planning Committee. All other statutory consultees, with the exception of the County Council Ecologist, have raised no objections.

### Planning Policy

It is considered that the development would comply with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the North West Leicestershire Local Plan and Circular 06/05.

### Conclusion

In conclusion, the site lies within limits to development where there is a presumption in favour of development subject to all other matters being addressed.

Breedon on the Hill is accessible via public transport and has a good level of local services which would allow it to be considered a sustainable settlement in supporting new residential development. The provision of an additional dwelling would also help sustain the local services and, overall, the scheme would be compliant with the principle intentions of the NPPF as well as Paragraphs 28 and 55 and Policy H4/1 of the Local Plan. The provision of the dwelling would also not result in the loss of any residential garden associated with No. 19 Main Street and as such the scheme would accord with Paragraph 53 of the NPPF.

An acceptable relationship would exist between No. 19 Main Street and the new property with sufficient amenity space also being provided to the new dwelling which would not be duly affected by vehicular movements or surrounding uses which generate noise (Breedon Quarry and The Three Horse Shoes public house). As such the development would accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

Only minor alterations would be undertaken to the external appearance of the building in order for it to be converted which would ensure its historic integrity is preserved and would ensure that it becomes integrated into the existing streetscape and surrounding area. As such the development would accord with Paragraphs 57, 60, 61, 131, 132 and 134 of the NPPF and Policies E4 and H7 of the Local Plan.

It is considered that the relocation of the boundary wall and improvements in the visibility achieved at the site access would represent a highway gain and as such would ensure that the proposal would not be severely detrimental to highway safety and would accord with Paragraph 32 of the NPPF and Policy T3 of the Local Plan. Sufficient off-street parking would also be

available for the development, as well as the existing dwelling, in accordance with Paragraph 39 of the NPPF and Policy T8 of the Local Plan.

Given the works which could be carried out internally and externally to the building without planning permission, as a form of permitted development given that the outbuilding is contained within a residential curtilage, it is considered that there would not be sufficient detriment to protected species subject to a relevant note to the applicant being attached to any planning permission granted. A suitable landscaping scheme for the private amenity area could also be secured by a condition. Overall, therefore, the development would not conflict with the intentions of Paragraph 118 of the NPPF, Circular 06/05 or Policy E7 of the Local Plan.

Accordingly the application is recommended for approval of planning permission, subject to the imposition of planning conditions.

**RECOMMENDATION - APPROVE, subject to conditions;**

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and 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 proposed conversion of attached outbuildings to form one residential dwelling at 19 Main Street, Breedon on the Hill. No. 19 Main Street is a three-storey (with habitable accommodation in the roof slope) detached dwelling situated on the north-western side of the street, where it abuts the public highway. An existing vehicular access into the site provides off-street car parking and access to a detached double garage. The site is situated within the defined limits to development, as defined on the Proposals Map to the North West Leicestershire Local Plan, and is also within the Breedon on the Hill Conservation Area. Within the immediate area are residential properties, which vary in their type and design, a public house on the south-eastern side of Main Street (The Three Horse Shoes opposite the site) and Breedon Quarry to the north.

It is proposed that a single storey attached outbuilding, currently used for storage and a lounge for No. 19, would be converted to a residential dwelling with the only external alterations being carried out being the removal of three windows in the north-eastern (side) elevation and the insertion of three new windows and the removal of three storage doors (one a double door) and the insertion of an entrance door, two windows and four roof lights in the north-western (rear) elevation. There would be no increase in the footprint or height of the building. Internally a first floor would be created which would enable the accommodation to provide a lounge, dining room, hall, kitchen and bathroom at ground floor level and two bedrooms and a shower room at first floor level for the occupants.

Vehicular access to the dwelling would be provided for via the existing access serving No. 19 and in addition to the above works the existing 0.6 metre high boundary walls at the access would be removed and set back in order to provide appropriate visibility splays with a small amenity area being provided to serve the dwelling adjacent to the north-eastern (side) elevation. Off-street parking for both the new property and No. 19 would be accommodated on the site.

A design and access statement, incorporating a heritage statement, has been submitted in support of the application.

The planning history of the site is as follows: -

- 77/1490/P - Demolition of cafe and conversion of home into three flats - Approved 14th February 1978;
- 82/0981/P - Change of use to dwelling and popcorn manufacture - Approved 5th January 1983.

### 2. Publicity

3 neighbours have been notified (Date of last notification 6 March 2015)

Site Notice displayed 18 March 2015

Press Notice published 18 March 2015

### 3. Consultations

Breedon Ward consulted 6 March 2015

County Highway Authority consulted 6 March 2015

Severn Trent Water Limited consulted 6 March 2015

County Archaeologist consulted 6 March 2015



LCC ecology consulted 6 March 2015  
NWLDC Conservation Officer consulted 6 March 2015  
Head of Environmental Protection consulted

#### **4. Summary of Representations Received**

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

**Breedon on the Hill Parish Council** a representation is due by the 14th April 2015 and as such will be reported to Members via the Update Sheet.

**Leicestershire County Council - Archaeology** has no objections and considers that the proposal will not result in a direct impact on the site of archaeological interest or listed building.

**Leicestershire County Council - Ecology** objects to the application due to the absence of a bat survey and the potential for the existing roof space of the attached outbuilding to be impacted on.

**Leicestershire County Council - Highways** has no objections subject to the imposition of conditions.

**NWLDC - Conservation Officer** has no objections.

**NWLDC - Environmental Protection** has no objections.

**Severn Trent Water** no representation received to date. Any representation received after the publication of the Committee Agenda will be reported to Members via the Update Sheet.

#### **Third Party Representations**

No third party representations have been received to date. Any representations received after the publication of the Committee Agenda will be reported to Members via the Update Sheet.

#### **5. Relevant Planning Policy**

##### **National Policies**

##### *National Planning Policy Framework*

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 listed 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 10 (Achieving sustainable development);  
Paragraph 14 (Presumption in favour of sustainable development);  
Paragraph 17 (Achieving sustainable development);

Paragraph 28 (Supporting a prosperous rural economy);  
 Paragraph 32 (Promoting sustainable transport);  
 Paragraph 39 (Promoting sustainable transport);  
 Paragraph 49 (Delivering a wide choice of high quality homes);  
 Paragraph 53 (Delivering a wide choice of high quality homes);  
 Paragraph 55 (Delivering a wide choice of high quality homes);  
 Paragraph 57 (Requiring good design);  
 Paragraph 60 (Requiring good design);  
 Paragraph 61 (Requiring good design);  
 Paragraph 118 (Conserving and enhancing the natural environment);  
 Paragraph 123 (Conserving and enhancing the natural environment);  
 Paragraph 128 (Conserving and enhancing the historic environment);  
 Paragraph 129 (Conserving and enhancing the historic environment);  
 Paragraph 131 (Conserving and enhancing the historic environment);  
 Paragraph 132 (Conserving and enhancing the historic environment);  
 Paragraph 134 (Conserving and enhancing the historic environment);  
 Paragraph 137 (Conserving and enhancing the historic environment);  
 Paragraph 203 (Planning conditions and obligations);  
 Paragraph 204 (Planning conditions and obligations);

**Adopted North West Leicestershire Local Plan (2002)**

The application site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S2 - Limits to Development;  
 Policy E3 - Residential Amenities;  
 Policy E4 - Design;  
 Policy E7 - Landscaping;  
 Policy T3 - Highway Standards;  
 Policy T8 - Parking;  
 Policy H4/1 - Housing Land Release;  
 Policy H7 - Housing Design;

**Other Policies**

**National Planning Practice Guidance**

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

**6Cs Design Guide (Leicestershire County Council)**

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development;

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

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

## 6. Assessment

### Principle and Sustainability

The site is located within the limits to development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations.

In March 2012 the National Planning Policy Framework (NPPF) was 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.

Breedon on the Hill benefits from a range of local services including a bus service, running between Coalville and East Midlands Airport, a primary school, community centre, post office and shop, two public houses and a butchers. Given this level of service it is considered that a scheme for one dwelling would score well against the sustainability advice contained within the NPPF with the provision of one dwelling also helping to sustain these services in the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

Paragraph 53 of the NPPF outlines that inappropriate development of residential gardens should be resisted where there is the potential that development would cause harm to the local area. In technical terms the application would not result in the loss of any of the residential garden associated with No. 19, which is situated to the south-west of the property, and would be contained within an existing structure whose external appearance would not be significantly altered. The implications of the development to the character and appearance of the streetscape and surrounding area (as discussed in more detail below) would not be sufficiently detrimental to justify a refusal of the application, given the above conclusion, and as such there would not be conflict with the aims of Paragraph 53.

### Residential Amenity

The property most immediately affected by the proposed works would be No. 19 Main Street itself with the occupants amenities not being impacted on by any overbearing or overshadowing impacts given that the external scale of the attached outbuilding would not increase. In respect of overlooking impacts it is considered that whilst openings would be formed in the north-western (rear) elevation of the outbuilding (serving a lounge, hall and kitchen) there would be no direct views established into windows which exist at ground floor level in the north-eastern (side) elevation of No. 19 with the private amenity area for No. 19 lying to the south-west and as a result not directly impacted on. As such there would be no detrimental overlooking impacts.

In terms of the amenities of any future occupant of the new dwelling it is considered that the established relationship with No. 19 would ensure that there would be no overbearing or overshadowing impacts. It is also considered that there would be no detrimental overlooking impacts into the property given the oblique angle of view established from ground floor windows in No. 19. There would also be no views established from No. 19 onto the proposed amenity area for the new dwelling subject to the provision of suitable boundary treatments which would be secured by a condition. It is also considered that the size of the private amenity area would

be sufficient for a two bedroom dwelling as proposed.

With regards to the potential noise generated by the movement of vehicles around the new property and its associated amenity area it is considered that the level of traffic associated with two properties would not be significant and would not be too dissimilar to having a development on a corner site with a road running close to the dwelling and its associated garden, which was considered in a 2004 appeal to be an acceptable yardstick for an acceptable standard (Appeal Ref: APP/G2435/A/08/2065885/WF). In the circumstances that the Council's Environmental Protection Officer has raised no objections, as well as taking into account the above conclusions, it is considered that the occupants of the new dwelling would not be subjected to any significant levels of noise or disturbance from vehicular movements, or a relationship with Breedon Quarry or The Three Horse Shoes public house, as to justify a refusal of the application. Also, in any case, the future occupant of the property would be aware of such relationships prior to any potential purchase.

Overall, therefore, the scheme would accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

### **Impact on the Historic Environment and Streetscape**

No. 19 Main Street is recognised as an '*unlisted building of interest which is considered to make a positive contribution to the street-scape of the conservation area*' in the Breedon on the Hill Conservation Area Appraisal of 2001. Whilst this is the case it is considered that the proposed external alterations, insertion/replacement windows and doors, would be kept to those elevations which would not be significantly visible from the public domain and, in any case, could be carried out as a form of permitted development for which planning permission would not be required. Whilst the existing boundary wall would be removed, which occupies a traditional position on the highway boundary, the wall is of limited merit and its loss would not cause significant conservation concern. In these circumstances it is considered that the historic significance of the heritage asset would be preserved.

The implications of the development to the character and appearance of the wider streetscape and surrounding area would also not be significant given that the principle (south-eastern front) elevation would not be altered. A suitable boundary treatment scheme for the amenity area could also be secured via a planning condition.

It is proposed that timber windows and doors would be installed in the building with any 'infilling' of gaps created by the removal of windows maintaining the render appearance. The use of these materials is considered to be appropriate and would respect the characteristics of the streetscape and surrounding area.

Overall the development would accord with the intentions of Paragraphs 57, 60, 61, 131, 132 and 134 of the NPPF and Policies E4 and H7 of the Local Plan.

### **Highway Safety**

The County Highways Authority has outlined that they would usually seek to resist a development which resulted in an increase in the use of a substandard access however, in this instance, it is considered that the improvements to visibility by the reduction in height and re-siting of the existing wall at the frontage would result in a highway gain. Taking this into account, as well as the fact that the building could be converted to ancillary accommodation without planning permission and the absence of an accident record in the vicinity no objections would be raised subject to the imposition of relevant conditions.

Due to the position of the attached outbuilding a visibility splay of 2.4 metre by 10.0 metre in a south-western direction would be the maximum achieved as part of the development but this represents an improvement over the existing situation due to the boundary wall, of 0.9 metres in height, abutting the highway and as such severely restricting the available visibility. In the circumstances that Paragraph 32 of the NPPF outlines that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe,*" it is considered that this enhancement in the visibility achieved when exiting the site, coupled with the fact that adequate space exists within the confines of the site to ensure that vehicles exit the site in a forward direction, would ensure that the proposal would not be severely detrimental to highway safety and as such the proposal would accord with Paragraph 32 of the NPPF as well as Policy T3 of the Local Plan.

The plans outline that three off-street parking spaces would be available to serve No. 19 with an additional two parking spaces being provided to serve the new dwelling and this level of parking is considered to be sufficient in accordance with Paragraph 39 of the NPPF, Policy T8 of the Local Plan and the 6C's Design Guide.

### **Ecology**

The County Ecologist has outlined that a bat survey should be submitted in support of the application given the works proposed internally within the building may impact on bats, a protected species, due to the site being adjacent to good bat foraging opportunities.

Whilst acknowledging this view it is considered that the external scale of the building would not be altered and internal works could be carried out within the roof space area of the attached outbuilding without planning permission, as a form of permitted development, which would have the same implications to protected species as the current proposal. Therefore, it is considered that the development would not have significant conflict with the principles of Paragraph 118 of the NPPF or Circular 06/05 as to warrant a refusal of the application. Although this is the case a relevant note to the applicant would be attached to any planning consent to make them aware of the guidance that should be adhered to should bats be discovered.

### **Landscaping**

The proposal will create a small private amenity space for the new dwelling and as such a condition would be imposed on any consent granted to ensure that a suitable landscaping scheme is provided on this land to accord with the intentions of Policy E7 of the Local Plan.

### **Summary Reasons for Granting Planning Permission**

In conclusion, the site lies within limits to development where there is a presumption in favour of development subject to all other matters being addressed.

Breedon on the Hill is accessible via public transport and has a good level of local services which would allow it to be considered a sustainable settlement in supporting new residential development. The provision of an additional dwelling would also help sustain the local services and, overall, the scheme would be compliant with the principle intentions of the NPPF as well as Paragraphs 28 and 55 and Policy H4/1 of the Local Plan. The provision of the dwelling would also not result in the loss of any residential garden associated with No. 19 Main Street and as such the scheme would accord with Paragraph 53 of the NPPF.

An acceptable relationship would exist between No. 19 Main Street and the new property with sufficient amenity space also being provided to the new dwelling which would not be duly affected by vehicular movements or surrounding uses which generate noise (Breedon Quarry and The Three Horse Shoes public house). As such the development would accord with

Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

Only minor alterations would be undertaken to the external appearance of the building in order for it to be converted which would ensure its historic integrity is preserved and would ensure that it becomes integrated into the existing streetscape and surrounding area. As such the development would accord with Paragraphs 57, 60, 61, 131, 132 and 134 of the NPPF and Policies E4 and H7 of the Local Plan.

It is considered that the relocation of the boundary wall and improvements in the visibility achieved at the site access would represent a highway gain and as such would ensure that the proposal would not be severely detrimental to highway safety and would accord with Paragraph 32 of the NPPF and Policy T3 of the Local Plan. Sufficient off-street parking would also be available for the development, as well as the existing dwelling, in accordance with Paragraph 39 of the NPPF and Policy T8 of the Local Plan.

Given the works which could be carried out internally and externally to the building without planning permission, as a form of permitted development given that the outbuilding is contained within a residential curtilage, it is considered that there would not be sufficient detriment to protected species subject to a relevant note to the applicant being attached to any planning permission granted. A suitable landscaping scheme for the private amenity area could also be secured by a condition. Overall, therefore, the development would not conflict with the intentions of Paragraph 118 of the NPPF, Circular 06/05 or Policy E7 of the Local Plan.

Accordingly the application is recommended for approval of 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 site location plan (1:1250) and drawing numbers 19M.EXP.001 (Existing Plan), 19M.PRP.002 Revision C (Proposed Plan), 19M.EXE.003 (Existing Elevations), 19M.PRE.004 Revision A (Proposed Elevations), 19M.EXS.005 (Existing Sections), 19M.PRS.006 Revision C (Proposed Sections and Second Floor Plan), received by the Local Authority on the 18th February 2015, unless otherwise required by another condition of this permission.

*Reason - to determine the scope of the permission.*

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

*Reason - to ensure a satisfactory standard of external appearance given the sites location within the Breedon on the Hill Conservation Area.*

- 4 Notwithstanding the details shown on the approved plans before first occupation/use of the dwelling, hereby approved, a scheme of soft and hard landscaping for the private amenity space and boundary treatment scheme for the amenity space shall be submitted to and agreed in writing by the Local Planning Authority. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the first occupation/use of the dwelling with the hard landscaping and boundary treatment scheme being provided in full prior to the first occupation/use of the dwelling unless alternative implementation programmes are first agreed in writing with the Local Planning Authority.

*Reason - to ensure a satisfactory landscaping scheme is provided within a reasonable period and in the interests of highway safety as well as visual and residential amenity given the site's location in the Breedon on the Hill Conservation Area.*

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

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

- 6 Prior to the first occupation of the dwelling, hereby approved, the off-street car parking and turning facilities shall be provided within the site, surfaced and marked out in accordance with the details shown on drawing number 19M.PRP.002 Revision C, received by the Local Authority on the 18th February 2015. Once provided the parking and turning facilities shall thereafter be so maintained, and not obstructed, at all times.

*Reason - to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.*

- 7 Prior to the first occupation of the dwelling, hereby approved, the wall fronting the site shall be reduced in height and maintained in perpetuity at a maximum of 0.6 metres above the level of the adjacent carriageway. Any new or replacement hedge shall not be set, nor allowed to grow to a height exceeding 0.6 metres above the level of the adjacent carriageway.

*Reason - to afford satisfactory visibility at the junction to cater for the expected volume of traffic on the existing highway network and in the interests of general highway safety.*

- 8 Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

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

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

- 9 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as not to open outwards.

*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.*

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

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

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

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

- 12 Notwithstanding the provisions of Part 1 (Class A - E) of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby permitted shall not be enlarged, improved or altered, nor shall any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse be provided unless planning permission has first been granted by the Local Planning Authority.

*Reason - to enable the Local Planning Authority to retain control over future development in view of maintaining the overall appearance of the scheme as envisaged by the Local Authority and in the interests of the preservation of the Breedon on the Hill Conservation Area.*

### **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 at the pre-application stage which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 Bats are a rare and declining group of species. Hence, all British species of bat and bat roosts are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 making it an offence to intentionally kill or injure or disturb these species whilst in a place of shelter or protection



- or disturb bat roosts. If bat or bat roosts are discovered during work on the development, the relevant work should be halted immediately and Natural England (Tel. 0115 929 1191) should be notified and further advice sought. Failure to comply with this advice may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both.
- 4 The applicant must ensure that people carrying out the works are made aware of the legal status of breeding birds, and that they proceed with care to ensure that if any breeding birds are present, they are not killed, injured or disturbed. If a breeding bird is discovered it should be left undisturbed and the relevant work should be halted immediately until the young birds have flown. Failure to comply with this may result in prosecution any anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both, as it is an offence to disturb nesting/breeding birds.
  - 5 Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for surface water management. A proposal to make the LLFA a statutory consultee is currently out to consultation. Please note that from 6 April 2015 the responsibility for approval of sustainable drainage systems will rest with Local Planning Authorities. More information, including options for future maintenance, can be found at: <https://www.gov.uk/government/consultations/sustainable-drainage-systems-changes-to-the-planning-system>.
  - 6 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 Infrastructure Planning team (for 'major' accesses serving more than one dwelling) or the Highways Manager (for 'minor' accesses serving one dwelling only). 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](http://www.leics.gov.uk/6csdg)  
For 'minor' accesses serving one dwelling contact the Customer Service Centre team  
Tel: 0116 3050001.
  - 7 The highway boundary is the edge of the carriageway/road at the point of the access.

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Erection of a single storey front extension.

Report Item No  
A5

4 Gerrard Crescent Kegworth Derby DE74 2HQ

Application Reference  
15/00033/FUL

Applicant:  
Mr Julian Orme

Date Registered  
5 February 2015

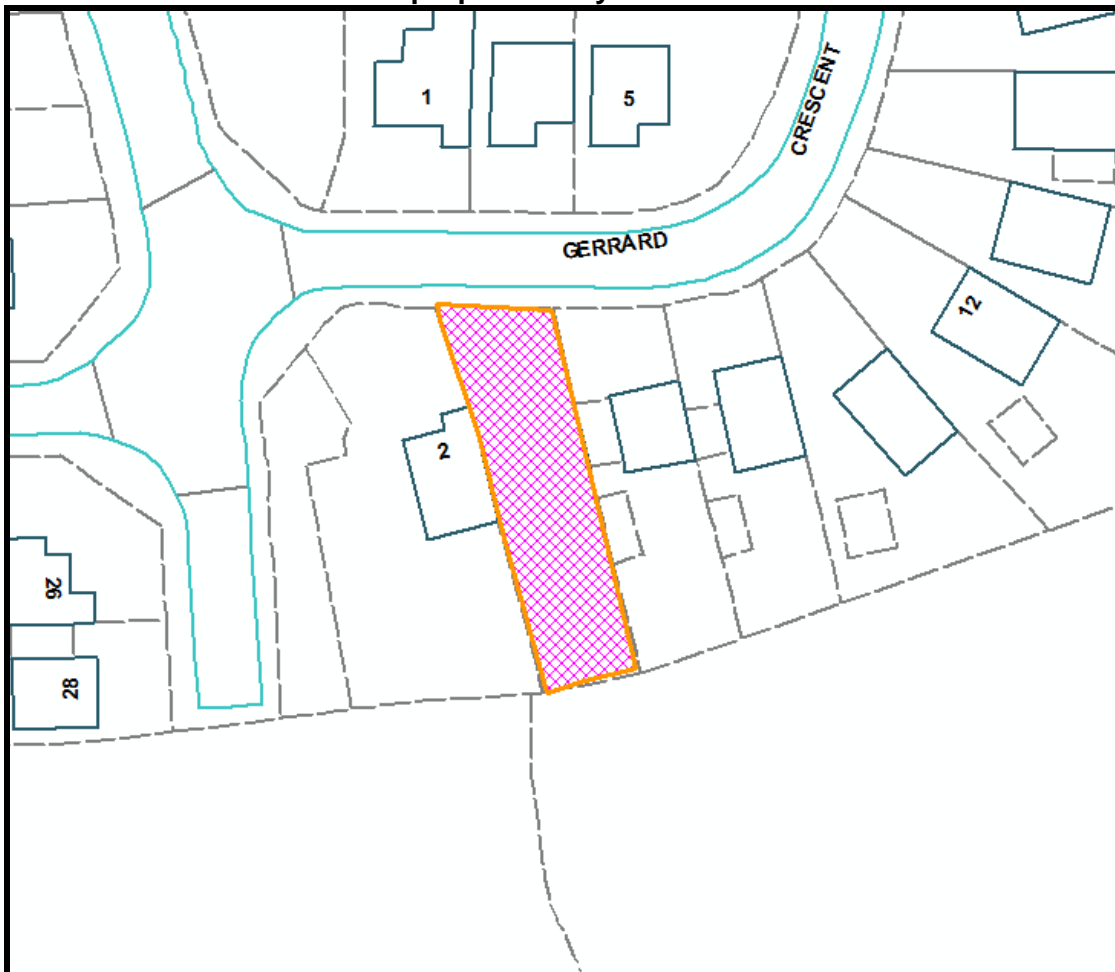
Case Officer:  
Anna Edwards

Target Decision Date  
2 April 2015

Recommendation:  
PERMIT

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Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Recommendation**

### **Proposal**

This is a householder application for a single storey front extension at 4 Gerrard Crescent, Kegworth. The subject property is a two storey detached dwelling situated on the southern side of Gerrard Crescent. The site is located in a residential area with dwellings surrounding the site to the north, east, south and west. The subject property is located within Limits to Development.

The proposal is for a single storey front extension to the northern elevation. The proposal will have a mono-pitched roof and it will extend across the entire front elevation and attached garage.

This application has been brought to Planning Committee as the applicant is an Authority employee.

### **Consultations**

Members will see from the report below that locally, there have not been any objections from neighbours to the proposal. Kegworth Parish Council and the County Highway Authority have no objections to the proposal.

### **Planning Policy**

The development is considered to comply with the relevant policies of the Development Plan as well as guidance contained within the National Planning Policy Framework.

### **Summary Reasons for Granting Planning Permission**

The site is located within the limits to development where the principle of extensions and alterations to existing dwellings are considered acceptable subject to impacts upon amenity, design and highway safety and compliance with the relevant policies of the Local Plan and other material considerations. The proposal is not considered to significantly affect residential amenity in the area, have any significant detrimental design impacts or conflict with highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2, E3, E4, T3 and T8. It is therefore recommended that the application be permitted.

### **RECOMMENDATION- PERMIT, subject to conditions**

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

## MAIN REPORT

### 1. Proposals and Background

Planning Permission is sought for a single storey front extension at 4 Gerrard Crescent, Kegworth. The subject property is a two storey detached dwelling situated on the southern side of Gerrard Crescent. The site is located in a residential area with dwellings surrounding the site to the north, east, south and west. The subject property is located within Limits to Development.

The proposal is for a single storey front extension to the existing dwellinghouse and to the attached garage. The proposed front extension will provide for additional living space in the form of an extended lounge and an extension to the existing attached garage. The extension to the existing dwellinghouse will have a mono-pitched roof and it will measure 3.0 metres in length, 6.2 metres in width, 2.4 metres in height to the eaves and 3.7 metres in height to the ridge. The single storey front extension to the existing garage will also have a mono-pitched roof and it will measure 1.8 metres in length, 3.0 metres in width, 2.4 metres in height to the eaves and 3.7 metres in height to the ridge. The extended garage will have an up and over door. The materials proposed are brick walls, brown interlocking roof tiles and white UPVC windows and doors.

This Planning Application has been brought to Planning Committee as the applicant is an Authority employee.

#### Relevant planning history;

None

### 2. Publicity

5 Neighbours have been notified (Date of last notification 26 February 2015)

### 3. Consultations

Kegworth Parish Council consulted 26 February 2015

County Highway Authority consulted

### 4. Summary of Representations Received

No representations have been received from members of the public.

Kegworth Parish Council had no objections to the proposal.

County Highway Authority made the following comments;

*The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Consider car parking - bedrooms. Consider access surfacing.*

### 5. Relevant Planning Policy

#### National Policies

*National Planning Policy Framework*

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 listed in the 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.

**Adopted North West Leicestershire Local Plan (2002)**

The application site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

- Policy S2 - Limits to development
- Policy E3 - Residential Amenities
- Policy E4 - Design
- Policy T3 - Highway Standards
- Policy T8 - Parking

**Other Policies**

**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**

The site is located within the Limits to Development as set out on the Proposals Map to the Local Plan where the principle of extensions and alterations to existing dwellings are considered acceptable subject to impacts upon design, amenity, highway safety and any other material considerations.

**Residential Amenity**

Consideration has been given to the impact of the development on surrounding residential properties despite not receiving any letters of representation during the course of the application. Given that the proposal has a limited front projection of 3.0 metres to the dwellinghouse and 1.8 metres to the garage and will be single storey and that the neighbouring dwellings have garages to the common boundaries, it is not considered that there would be any significant overlooking, overshadowing or overbearing impact as a result of the development to the neighbouring properties.

It is, therefore, deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the Local Plan.

**Design**

Consideration has also been given to the design of the proposal and whether it would have an acceptable impact upon the character and appearance of the dwelling itself and the street scene.

The proposed single storey front extension will have a mono-pitched roof and the materials used will be brick walls, brown interlocking roof tiles and white UPVC windows and doors. It is considered necessary to attach a condition to the granting of the planning permission to ensure

that these materials match those used on the existing dwellinghouse in order to ensure that the extension appears well related to the main dwellinghouse and the wider street scene.

Subject to a materials condition, the design, appearance and scale of this proposal is acceptable and would not look out of keeping with the character and appearance of the surrounding area or the existing dwelling and is considered to be compliant with Policy E4 of the Local Plan.

**Highway Safety**

The proposal would result in the loss of a part of the hard standing to the front of the property and would, therefore, reduce the available off-street car parking spaces by one. However, the site visit and 1:200 site plan submitted shows that the driveway (block paved) and garage would still be able to provide at least two off-street car parking spaces. As the Local Plan requires an average of 1.5 spaces per dwelling it is considered that the proposal would provide a sufficient level of parking that would not lead to on-street car parking issues. Given this and that the County Highway Authority has no objections; it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan or the advice contained in the County Council's HTD document.

**Conclusion**

There have been no objections to the proposed development. The proposal is not considered to affect residential amenity in the area, have any significant detrimental design impacts or conflict with highway safety. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the Local Plan, in this case S2, E3, E4, T3 and T8. It is therefore recommended that the application be permitted.

**RECOMMENDATION - PERMIT, subject to the following conditions;**

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

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

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

Drawing titled 'East Side View (Existing)' deposited with the Local Planning Authority on 5th February 2015;

Drawing titled 'East Side View (Proposed)' deposited with the Local Planning Authority on 5th February 2015;

Drawing titled 'West Side View (Existing)' deposited with the Local Planning Authority on 5th February 2015;

Drawing titled 'West Side View (Proposed)' deposited with the Local Planning Authority on 5th February 2015;

Drawing titled 'existing front elevation' deposited with the Local Planning Authority on 5th

February 2015;

Drawing titled) 'Proposed front elevation' deposited with the Local Planning Authority on 5th February 2015;

Drawing 1:100 Floor Plan deposited with the Local Planning Authority on 5th February 2015;

*Reason- To determine the scope of this permission.*

- 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).



**APPENDIX TO THE REPORT OF THE HEAD OF PLANNING AND REGENERATION**

**SUMMARY OF RELEVANT NATIONAL AND LOCAL PLANNING POLICIES AND MATERIAL CONSIDERATIONS**

**NATIONAL PLANNING POLICIES**

*National Planning Policy Framework*

The NPPF reiterates the statutory requirement that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. It also states that the document should be read in conjunction with the policy statement on Gypsies and Travellers.

Achieving sustainable development –

The purpose of the planning system is to contribute to the achievement of sustainable development. There are 3 dimensions to sustainable development:

- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation;
- A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services; and,
- An environmental role – contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the NPPF is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision making.

For decision making the following key paragraphs are:

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

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

Paragraph 17 sets out 12 core land use planning principles which should underpin both plan making and decision taking.

## **Building a strong, competitive economy**

- "19 The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."
- "20 To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century."

## **Ensuring the vitality of town centres**

- "24 Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale."
- "26 When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:
- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
  - the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made."
- "27 Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused."

## **Supporting a prosperous rural economy**

- "28 Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:
- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings..."

## **Promoting sustainable transport**

- "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."
- "38 For larger scale residential developments in particular, planning policies should promote a mix of uses in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties."

## **Delivering a wide choice of high quality homes**

- "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."

## **Requiring good design**

- "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."
- "58 Planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
  - optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other

- public space as part of developments) and support local facilities and transport networks;
  - respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
  - create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
  - are visually attractive as a result of good architecture and appropriate landscaping."
- "59 Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."
- "60 Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."
- "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."
- "64 Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

### **Meeting the challenge of climate change, flooding and coastal change**

- "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."
- "101 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding."
- "103 When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere..."

### **Conserving and enhancing the natural environment**

- "109 The planning system should contribute to and enhance the natural and local environment by:
- protecting and enhancing valued landscapes, geological conservation interests and soils;
  - recognising the wider benefits of ecosystem services;
  - minimising impacts on biodiversity and providing net gains in biodiversity

- where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
  - remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."
- "112 Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."
- "118 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:
- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
  - proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest; ...
  - ...- opportunities to incorporate biodiversity in and around developments should be encouraged..."
- "121 Planning policies and decisions should also ensure that:
- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;...
  - adequate site investigation information, prepared by a competent person, is presented."
- "123 Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."
- "124 Planning policies should sustain compliance with and contribute towards EU limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan."

### **Conserving and enhancing the historic environment**

- "129 Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development

affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal."

- "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..."
- "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;"
- "135 The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
- "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;"

## **Business**

- "160 Local planning authorities should have a clear understanding of business needs within the economic markets operating in and across their area. To achieve this, they should:
- work together with county and neighbouring authorities and with Local Enterprise Partnerships to prepare and maintain a robust evidence base to understand both existing business needs and likely changes in the market; and
  - work closely with the business community to understand their changing needs and identify and address barriers to investment, including a lack of housing, infrastructure or viability."
- "161 Local planning authorities should use this evidence base to assess:
- the needs for land or floorspace for economic development, including both the quantitative and qualitative needs for all foreseeable types of economic activity over the plan period, including for retail and leisure development;
  - the existing and future supply of land available for economic development and its sufficiency and suitability to meet the identified needs..."

## **Ensuring viability and delivery**

"173 Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

## **Planning conditions and obligations**

"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."

**MEMBERS ARE ADVISED THAT OTHER PARAGRAPHS IN THE NPPF MAY BE RELEVANT TO A PARTICULAR PLANNING APPLICATION AND THESE WOULD BE REFERRED TO IN THE OFFICER REPORT IN THE MAIN AGENDA AS AND WHEN NECESSARY.**

## **NORTH WEST LEICESTERSHIRE LOCAL PLAN**

### **STRATEGY**

#### **Policy S1 - Overall Strategy**

Policy S1 sets out the overall strategy of the Local Plan.

#### **Policy S2 - Limits to Development**

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 S3 - Countryside**

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

### **ENVIRONMENT**

#### **Policy E1 – Sensitive Areas**

Policy E1 seeks to prevent development within the Sensitive Areas, which would adversely affect or diminish the present open character of such areas.

#### **Policy E2 - Landscaped Amenity Open Space**

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 – Residential Amenities**

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 - Design**

Policy E4 seeks to achieve good design in new development that respects the character of its surroundings.

**Policy E6 – Comprehensive Development**

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 - Landscaping**

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 – Crime Prevention**

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

**Policy E9 - Mobility**

Policy E9 seeks to provide for access to new developments by all persons with restricted mobility, including those with impaired vision.

**Policy E17 – Historic Byways**

Policy E17 seeks to prevent development which would significantly diminish the contribution, setting or amenity value of a historic byway.

**Policy E20 – Green Wedge**

Policy E20 seeks to prevent development that would adversely affect or diminish the present open and undeveloped character of the Green Wedge.

**Policy E21 – Separation of Settlements**

Policy E21 presumes against development which would result in a reduction in the physical separation between the built-up areas of adjoining settlements as identified on the Proposals Map.

**Policy E22 – Areas of Particularly Attractive Countryside**

Policy E22 seeks to prevent development which would adversely affect Areas of Particularly Attractive Countryside.

**Policy E24 – Re-use and Adaptation of Rural Buildings**

Policy E24 sets out the circumstances under which existing buildings outside Limits to Development can be converted to a residential use

**Policy E26 - Sites of County or District Ecological or Geological Interest**

Policy E26 states that development will not be permitted which could adversely affect sites of County and District ecological or geological interest, or Local Nature Reserves.

**Policy E30 - Floodplains**

Policy E30 seeks to prevent development which would increase the risk of flooding and remove the extra discharge capacity from the floodplain of the River Trent.



**Policy E36 – Derelict Land**

Policy E36 sets out the general approach to proposals for the reclamation and re-use of derelict land.

**Policy E37 – Derelict Sites**

Policy E37 sets out potential individual reclamation uses for stated derelict sites.

**NATIONAL FOREST****Policy F1 – General Policy**

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

**Policy F2 – Tree Planting**

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

**Policy F3 – Landscaping and Planting**

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

**Policy F5 – Forest Related Development**

Policy F5 sets out the circumstances under which new development is permitted in the National Forest.

**TRANSPORT****Policy T2 – Road Improvements**

Policy T2 seeks to protect strategic road scheme sites.

**Policy T3 – Highway Standards**

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

**Policy T4 – Road Related Services – Commitments**

Provides for services on land East of Finger Farm on the A453 and at land adjoining Flagstaff Interchange, A42, Ashby de la Zouch.

**Policy T5 – Road Related Services at A50/B6540 Junction**

Policy T5 provides for the provision of one off-line road related service facility at the junction of the B6540 and A50.

**Policy T8 - Parking**

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

**Policy T10 – Public Transport**

Policy T10 requires development to make provision for effective public transport operation.

**Policy T13 – Cycle Parking**

Policy T13 requires adequate provision for cycle parking.

**Policy T14 – Former Transport Routes**

Policy T14 presumes against development which would be likely to impair the continuity of disused railway lines, which have potential for re-use as transport corridors, including pedestrian footpaths, bridleways and cycle routes and informal recreation corridors.

**Policy T15 – Moira-Measham Trail**

Policy T15 seeks to protect the route of the Moira-Measham trail.

**Policy T16 – Ashby Canal**

Policy T16 presumes against development which would prejudice the re-opening of Ashby Canal. It also provides that, in the event of the canal being reopened, development outside Limits to Development will only be permitted where it is strictly ancillary to the use of the canal as a navigable waterway.

**Policy T17 – Ashby Canal**

Policy T17 provides for the reconstruction of the Ashby Canal between Snarestone and Swains Park subject to various criteria.

**Policy T18 – Airport Limits of East Midlands Airport**

Policy T18 sets out the criteria for dealing with applications for airport operational development within the airport limits of East Midlands Airport as defined on the proposals map.

**Policy T19 – East Midlands Airport – Public Safety Zones**

Policy T19 sets out the criteria for determining applications for development within Public Safety Zones in the vicinity of East Midlands Airport.

**Policy T20 – East Midlands Airport – Airport Safeguarding**

Policy T20 seeks to prevent development that would adversely affect the operational integrity or safety of East Midlands Airport.

**HOUSING****Policy H4 and subsequent Proposals H4(a) to H4(p) inclusive – Housing Allocations**

Policy H4 and subsequent policies set out above set out the housing allocation sites for the plan period.

**Policy H4/1 – Housing Land Release**

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 – Housing Density**

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 – Housing Design**

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

### **Policy H8 – Affordable Housing**

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 H10 – Agricultural and Forestry Workers Accommodation**

Policy H10 sets out the circumstances in which an agricultural occupancy condition will be permitted. The proposal should demonstrate that the dwelling is no longer needed to serve the relative use, and that every possible effort has been made to dispose of the property at a price which reflects the existence of the occupancy condition and for an adequate period of time.

### **Policy H11 – Replacement Dwellings**

Policy H11 provides that applications for replacement dwellings outside the Limits to Development will be considered in terms of the countryside policies of this Local Plan. Where the Planning Authority is satisfied that there is special justification development of a replacement dwelling may be permitted subject to certain criteria.

### **Policy H12 – Exceptional Affordable Housing Sites**

Policy H12 sets out the circumstances in which affordable housing sites outside the Limits to Development will be permitted, and will only be permitted as an exception where the following criteria are fulfilled:

- (a) An up to date survey demonstrates that a genuine local housing need, which would not otherwise be met, exists in the village or particular locality;
- (b) A secure arrangement will be required to ensure that the benefits of affordable housing will be enjoyed by subsequent occupiers as well as initial occupiers. Such an arrangement will normally require:
  - (i) An appropriate managing institution, such as a housing association or charitable trust, to be in place, with an agreed letting/occupancy policy which ensures that the dwellings will only be made available as affordable housing to local people in need, who cannot be housed by other means; and
  - (ii) A legal agreement between the applicant/landowner/potential developer and management institution and the Planning Authority to ensure that the proposed dwellings are made available at a price or rent those in need can afford and will remain available as affordable housing to all subsequent as well as initial occupiers;

In addition to the above, Policy H12 requires that the development of any exceptional affordable housing site must:

- (i) Be well related to the built form and overall structure of an existing settlement and not adversely affect its present character;
- (ii) Adjoin the Limits to Development, identified on the Proposals Map;
- (iii) Not result in ribbon or detached development, or be prejudicial to the protection from development of any intervening or other land outside Limits to Development;
- (iv) Not be on land designated as a sensitive open area or any other area afforded special protection in this Local Plan or be in a position where it would detract from the appearance and general character of countryside worthy of protection for its own sake;
- (v) Be of a design and in materials of construction, which reflect the traditional rural character of the village concerned; and
- (vi) Comply with general environment and traffic policies and requirements of the Local Plan.

### **Policy H13 – Mobile Homes**

Policy H13 sets out the criteria for assessing proposals for mobile home development.

## **EMPLOYMENT**

### **Policy J3 – Employment Land Allocations**

Policy J3 sets out sites for employment allocations within the Local Plan at the following sites, for which individual sub policies apply:

- (a) Swainspark, Occupation Road, Albert Village;
- (b) Smisby Road, Ashby de la Zouch;
- (c) Extension to Hilltop Industrial Estate, Bardon
- (d) South of Coalville Brickworks;
- (e) Former Ellistown Colliery;
- (f) South of Trent Lane, Castle Donington;
- (g) Extension to Westminster Estate, Measham; and,
- (h) Former Walton Way Drift Mine, Oakthorpe.

### **Policy J4 – High Quality Employment Site at Finger Farm**

Policy J4 sets out appropriate employment uses for development at the Finger Farm site.

### **Policy J5 – High Quality Employment Site at Flagstaff Interchange, Ashby**

Policy J5 provides for appropriate employment uses at the Flagstaff Interchange site.

### **Policy J8 – Redevelopment of the ADT Car Auctions site, Measham**

Policy J8 sets out the criteria to be met in relation to proposals for the redevelopment of the car auctions site for employment purposes.

### **Policy J14 – Expansion of Existing Firms**

Policy J14 sets out the criteria to be taken into account in the determination of applications for the expansion of existing firms.

## **CENTRAL AREAS AND RETAILING**

### **Policy R1 – Central Areas Shopping**

Policy R1 provides that shopping and related development (such as financial and professional services and food and drink uses) will be permitted within Coalville and Ashby de la Zouch Town Centres, on allocated sites, and in existing or proposed local shopping areas. New retail development outside these areas will only be permitted where it can be shown that a number of criteria would be satisfied.

### **Policy R2 – Belvoir Shopping Centre**

Policy R2 provides that expansion of the centre which facilitates the continuing refurbishment and upgrading of the centre and its surrounding area will be permitted, subject to environmental and traffic considerations.

### **Policy R4 – Acceptable Uses in Town Centre Core Areas**

Policy R4 provides that only specific uses will be permitted on ground floor frontages within the Core Areas of Coalville and Ashby de la Zouch Town Centres and that all ground floor frontage development permitted within a core shopping area should include a shop window display frontage and maintain an appropriate window display.

### **Policy R5 – Financial and Professional Services in Core Areas**

Policy R5 requires that Class A2 uses will not be permitted where they would exceed 10 per cent of the total frontage, or form a run of more than three shop window units at the following locations:

- (a) The Belvoir Pedestrianised Shopping Centre;
- (b) Numbers 13 to 85 and 6 to 96 Market Street, Ashby de la Zouch;
- (c) Bath Street Corner, Ashby de la Zouch

### **Policy R6 – Window display frontages**

Policy R6 sets out that no new shop window display frontages be permitted on the north side of North Street and along South Street, Ashby de la Zouch.

### **Policy R7 – Other Retail Uses**

Policy R7 sets out uses which will not be permitted within Coalville and Ashby de la Zouch Town Centre core areas

### **Policy R8 – Potential Redevelopment Areas**

Policy R8 provides that redevelopment for shopping and related purposes will be permitted on those sites identified as such within Coalville and Ashby-de-la-Zouch Town Centres, subject to environmental and traffic considerations. The Policy requires that redevelopment of these sites must be comprehensive in design and well-related to the form and functioning of adjoining parts of the shopping area. Piecemeal redevelopment which would be prejudicial to the objectives of this policy will not be permitted.

### **Policy R9 – Pedestrian Facilities**

Policy R9 sets out the key areas for improvements to pedestrian facilities, environment and priority.

### **Policy R10 – Bridge Road Link**

Policy R10 seeks to protect the land required for the construction of a road link between Bridge Road and London Road, Coalville.

### **Policy R11 – Outer Area of Coalville Town Centre**

Policy R11 provides that, in addition to the uses set out in Policy R4, only uses within Use Classes D1 and D2 will be permitted to ground floor frontages within the outer part of the Coalville Town Centre Shopping Area, and that shop window displays will be required where appropriate.

### **Policy R12 – Town Centre Services**

Policy R12 provides that uses within Classes A2, C2, B1(a) and D1, as well as community or other uses of a similar character, will be permitted within Town Centre Services Areas, subject to compliance with a number of criteria.

### **Policy R13 – Town Centre Services**

Policy R13 sets out appropriate uses for service areas fronting on to the east side of Whitwick Road, Coalville and Bath Street/Station Road, Ashby de la Zouch.

### **Policy R14 – Town Centre Services**

Policy R14 sets out appropriate uses for service areas fronting on to the west side of Whitwick Road, Coalville.

### **Policy R15 - Town Centre Services**

Policy R15 provides that the following uses will be permitted within the Town Centre Services Area fronting onto Wolsey Road, Coalville:

- (a) Business use (Class B1);

- (b) Retail uses falling outside the definition of 'shop' (Class A1); and
- (c) Assembly and leisure uses (Class D2)

#### **Policy R16 – Use of Upper Floors**

Policy R16 provides that, within the Coalville and Ashby de la Zouch Shopping Areas and other local and village centres, only the use of upper floors for a number of specified purposes will be permitted, subject to parking and amenity considerations. It also provides that, where the proposals will not cause a problem in the locality, the requirement to provide car parking spaces to serve small schemes for the creation of flats over existing shops in such areas may be waived in cases where private car parking cannot be reasonably provided on site or in the locality where certain criteria can be met.

#### **Policy R19 – Acceptable Uses in Local Centres**

Policy R19 provides that, in addition to local shops, only certain ground floor frontage uses (listed under the policy) will be permitted within existing and proposed local shopping centres, subject to environmental and traffic considerations, and other criteria relating to vitality and viability.

#### **Policy R20 – Individual Shops**

Policy R20 sets out the circumstances in which the development of individual local shops will be permitted away from existing or proposed shopping areas.

#### **Policy R21 – Village Shops**

Policy R21 states that the conversion of individual village shops to residential use will not be permitted unless it can be demonstrated that every effort has been made to secure a continued shopping or other suitable business use at the premises, or that the conversion would be subordinate to the main shopping or other business use.

### **LEISURE AND TOURISM**

#### **Policy L2 – Informal Recreation Facilities**

Policy L2 provides that in cases where it can be demonstrated that a rural location is necessary, and subject to Policy L3 below, planning permission will be granted for informal recreation facilities, and land extensive recreational uses whether formal or informal, on the fringes of built up areas and elsewhere outside the defined Limits to Development.

#### **Policy L3 – Built Development on Recreational Sites Outside Limits to Development**

Policy L3 sets out the criteria for determining applications for development on recreational sites outside Limits to Development.

#### **Policy L5 – Tourist Accommodation**

Policy L5 sets out that the development of tourist accommodation will be permitted where the proposal:-

- (a) Is appropriate in scale and location to the local environment; and
- (b) Would not result in an unacceptable level of traffic generation, to the detriment of the local or wider highway networks or nearby settlements.

#### **Policy L6 - New Rural Recreational Facilities to Relieve Charnwood Forest**

Policy L6 sets out the criteria for proposals of large, new rural recreational facilities in the Ashby Woulds and Measham areas which would relieve pressure on the Charnwood Forest.

#### **Policy L7 – Land adjoining Hermitage Leisure Centre**

Policy L7 sets out the requirements for recreation use proposals to complement the existing facilities at the Hermitage complex.

**Policy L8 – Snibston Colliery**

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 L9 – Land North of Snibston Heritage Museum**

Policy L9 sets out a range of uses complimentary to the Snibston Discovery Park museum site acceptable on the land to the north of the museum, and fronting onto Ashby Road.

**Policy L10 – Former Measham Railway Station**

Policy L10 sets out the criteria for the development of recreation and tourism facilities at the site.

**Policy L11 – Moira Furnace**

Policy L11 sets out the criteria for the development of recreation and tourism facilities at the site.

**Policy L12 – Sawley Marina**

Policy L12 sets out the criteria for recreation and tourism development proposals on land to the south of Sawley Marina.

**Policy L13 – Swannington Incline**

Policy L13 provides for the restoration of the former Swannington railway incline and ancillary facilities including an open air museum.

**Policy L20 – Donington Park Racing Circuit**

Policy L20 sets out criteria for assessing uses which may be acceptable within the confines of the racetrack whilst protecting the character and appearance of the surrounding area.

**Policy L21 - Children's Play Areas**

Policy L21 sets out the circumstances in which schemes for residential development will be required to incorporate children's play areas. Further guidance is contained within the Council's Play Area Design Guidance Note Supplementary Planning Guidance.

**Policy L22 - Formal Recreation Provision**

Policy L22 provides that major new development will only be permitted where adequate provision is made for open space for formal recreation use.

**MINERALS****Policy M2 – Redevelopment Potential**

Policy M2 sets out criteria for redevelopment proposals for brick and pipe manufacturing works at Ibstock, Ellistown, Redbank (Measham) and Hepworths Albion (Woodville).

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## Material Planning Considerations

When a decision is made on a planning application, only certain issues are taken into account; these are often referred to as 'material planning considerations'.

### **MATERIAL PLANNING CONSIDERATIONS:**

Issues that may be relevant to the decision

**(There may exist further material planning considerations not included here)**

- Local, strategic, national **planning policies** and policies in the Development Plan
- Emerging new plans which have already been through at least one stage of public consultation
- **Pre-application planning consultation** carried out by, or on behalf of, the applicant
- **Government and Planning Inspectorate requirements** - circulars, orders, statutory instruments, guidance and advice
- **Previous appeal decisions** and planning Inquiry reports
- Principles of **Case Law** held through the Courts
- **Loss of sunlight** (based on Building Research Establishment guidance)
- **Overshadowing/loss of outlook** to the detriment of residential amenity (though not loss of view as such)
- Overlooking and **loss of privacy**
- **Highway issues:** traffic generation, vehicular access, highway safety
- **Noise or disturbance** resulting from use, including proposed hours of operation
- **Smells and fumes**
- Capacity of **physical infrastructure**, e.g. in the public drainage or water systems
- Deficiencies in **social facilities**, e.g. spaces in schools
- Storage & handling of **hazardous materials** and development of **contaminated land**
- Loss or effect on **trees**
- Adverse impact on **nature conservation** interests & biodiversity opportunities
- Effect on listed buildings and conservation areas
- **Incompatible or unacceptable uses**
- Local **financial considerations** offered as a contribution or grant
- **Layout and density of building** design, visual appearance and finishing materials
- Inadequate or inappropriate **landscaping** or means of enclosure

The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker however the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters.

Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

If an identified problem can be dealt with by means of a suitable condition then the Local Planning Authority is required to consider this rather than by issuing a refusal.

### **NON-MATERIAL PLANNING CONSIDERATIONS:**

Issues that are not relevant to the decision:

**(There exist further non-material planning considerations not included in this list)**

- **Matters controlled under building regulations** or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.
- **Private issues between neighbours** e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.
- **Problems arising from the construction period** of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts).
- Opposition to the **principle of development** when this has been settled by an outline planning permission or appeal
- **Applicant's personal circumstances** (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability)
- **Previously made objections/representations** regarding another site or application
- **Factual misrepresentation of the proposal**
- Opposition to **business competition**
- **Loss of property value**
- **Loss of view**

Planning Aid England provides free, confidential and independent planning advice.  
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