

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

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

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

AGENDA

Item	Pages
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Under the Code of Conduct members are reminded that in declaring disclosable interests you should make clear the nature of that interest and whether it is pecuniary or non-pecuniary.	
3. MINUTES	
To confirm and sign the minutes of the meeting held on 8 September 2015.	5 - 14
4. PLANNING APPLICATIONS AND OTHER MATTERS	
Report of the Head of Planning and Regeneration.	15 - 18



Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	<p>15/00465/VCUM: Variation of conditions 2, 4 and 6 to amend the first phase of development to no less than 50 dwellings, the time period for the submission of the reserved matters for the extra care facility extended to 5 years from the date of the outline permission and the removal of the reference to the master plan. Removal of conditions 7,8,14 and 24 relating to drainage to discharge to the mains sewer system and replacement with a single condition and the removal of conditions 18,19 and 20 relating to sustainable construction methods and energy supply attached to outline planning permission 13/00486/OUTM.</p> <p>Land Adjoining Holywell Farm Burton Road Ashby De La Zouch Leicestershire LE65 2LP</p>	PERMIT Subject to a deed of variation to a Section 106 Agreement	19 - 40
A2	<p>15/00698/VCIM: Variation of conditions 3 and 22 of 15/00019/VCIM to include additional boundary treatments to plots 176 and 177 as well as landscaping revisions</p> <p>Land To The Rear Of Parkdale Ashby Road Ibstock Leicestershire</p>	PERMIT	41 - 60
A3	<p>15/00701/VCIM: Variations of conditions 3 and 22 of 15/00018/VCIM to introduce additional boundary treatments to plots 185,186,187,188,189 and 191 as well as landscaping revisions</p> <p>Land To The Rear Of Parkdale Ashby Road Ibstock Leicestershire</p>	PERMIT	61 - 82
A4	<p>15/00652/FUL: Erection of a detached two storey dwelling with integral garage along with conversion of existing detached garage to residential dwelling with associated off-street parking</p> <p>23 High Street Castle Donington Derby DE74 2PP</p>	PERMIT	83 - 100
A5	<p>15/00497/FUL: Conversion and redevelopment of barns to form four offices and two storage buildings with an existing access</p> <p>Measham Lodge Farm Gallows Lane Measham Swadlincote Leicestershire DE12 7HA</p>	PERMIT Subject to a Section 106 Agreement	101 - 122
A6	<p>15/00587/LBC: Conversion and re-development of barns to form four offices (listed building consent)</p> <p>Measham Lodge Farm Gallows Lane Measham Swadlincote Leicestershire DE12 7HA</p>	PERMIT	123 - 130

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A7	15/00783/FUL: Proposed erection of a pig shed Land At Junction Of Breedon Lane And Rempstone Road Osgathorpe Loughborough Leicestershire LE12 9ST	PERMIT	131 - 138

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MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 8 SEPTEMBER 2015

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, G A Allman, R Boam, J Bridges, R Canny, J Cotterill, J G Coxon, D Everitt, J Houlst, R Johnson, G Jones, J Legrys, V Richichi, N Smith, M Specht and M B Wyatt

In Attendance: Councillors S McKendrick and T J Pendleton

Officers: Ms S Booth, Ms J Davies, Mr C Elston, Mr D Gill, Mrs C Hammond, Mr J Mattley, Mr A Mellor and Mr J Newton

41. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

42. DECLARATION OF INTERESTS

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

Councillors R Boam, J Cotterill and M Specht declared a non pecuniary interest in items A3, application number 15/00499/FULM and A4, application number 15/00500/FULM as appointed Members by North West Leicestershire District Council of the Thringstone House Community Centre Executive Committee; therefore they would leave the meeting during the consideration and voting thereon.

Councillor J G Coxon declared a non pecuniary interest in items A1, application number 15/00306/OUTM, A3, application number 15/00499/FULM, A4, application number 15/00500/FULM and A7, application number 15/00710/FUL as a Member of Ashby de la Zouch Town Council and in A3, application number 15/00499/FULM and A4, application number 15/00500/FULM as an appointed Member by Leicestershire County Council of the Thringstone House Community Centre Executive Committee, but he had not taken part in any discussions.

Councillor R Johnson declared a non pecuniary interest in item A2, application number 15/00032/FULM as a Member of Hugglescote and Donington le Heath Parish Council.

Councillor G Jones declared a non pecuniary interest in items A1, application number 15/00306/OUTM and A7, application number 15/00710/FUL as a Member of Ashby de la Zouch Town Council.

Councillor J Legrys declared a non pecuniary interest in items A3, application number 15/00499/FULM and A4, application number 15/00500/FULM as an acquaintance of one of the speakers; therefore he would leave the meeting during the consideration and voting thereon.

Councillor N Smith declared a non pecuniary interest in items A3, application number 15/00499/FULM and A4, application number 15/00500/FULM as he had been approached by the local school in relation to increased educational involvement but he took no part in the negotiations; he would however leave the meeting during the consideration and voting thereon.

Councillor D J Stevenson declared a non pecuniary interest in item A2, application number 15/00032/FULM as a friend of the applicant; therefore he would leave the meeting during the consideration and voting thereon.

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

Item A1, application number 15/00306/OUTM
Councillor J Hoult.

Item A3, application number 15/00499/FULM
Councillors R Adams, R Canny, J Cotterill, J Hoult, R Johnson, G Jones and M Specht.

Item A4, application number 15/00500/FULM
Councillors R Adams, R Canny, J Cotterill, J Hoult, R Johnson, G Jones and M Specht.

Item A5, application number 15/00510/FUL
Councillor R Adams.

43. MINUTES

Consideration was given to the minutes of the meeting held on 4 August 2015.

Councillor R Johnson requested that a sentence under minute number 37 be amended to read 'The Senior Planning Officer assured Members that the noise assessment was undertaken at the facility and the recordings were assessed in a desk exercise.

RESOLVED THAT:

Subject to the above amendment, the minutes of the meeting held on 4 August 2015 be approved and signed by the Chairman as a correct record.

44. 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.

45. A1

15/00306/OUTM: RESIDENTIAL DEVELOPMENT OF UP TO 91 DWELLINGS AND ASSOCIATED INFRASTRUCTURE (OUTLINE ACCESS ONLY)

Land North Of Butt Lane And East Of Hepworth Road Woodville/Blackfordby Swadlincote
Officer's Recommendation: Permit - Subject to a Section 106 Agreement

The Planning and Development Team Manager presented the report to Members and read out a letter of objection from Andrew Bridgen MP:

Councillor S McKendrick, Ward Member, addressed the Committee. She informed Members that the village was a rural location and had a strong identity. She highlighted that the site was outside the Limits to Development and that the Greenfield space should be maintained to avoid urban sprawl. She raised concerns that there was no agreement to strengthen the infrastructure adding that the school would be oversubscribed and there was no capacity in any of the schools in Derbyshire therefore making the development unsustainable. She stated that the application was inappropriate and urged Members to refuse.

Mr M Ball, Town Councillor, addressed the Committee. He reminded Members that it was only three months since the last application was considered and it appeared that there were the same shortcomings, and stated that the village had no wish to be part of the South Derbyshire urban sprawl. He highlighted that:

- the site was outside the Limits to Development,
- the Council had its five year housing land supply,
- 91 dwellings would increase the size of the village by 25%,
- The school was at full capacity
- Residents of the development would be reliant on their cars, leading to an increase in traffic on a highway that was not fit for purpose,
- The proposed access was inappropriate,
- the sewers would not cope with the additional properties.

He urged the Committee to refuse the application.

Mr R Nettleton, objector, addressed the Committee. He expressed concerns that the location was unsustainable and over the impact that the development would have on the current drain and sewage system. He stated that the old system was over capacity and an additional hundred homes would add to the issue. He advised the Committee that the area had suffered from severe flooding seven or eight times a year and that the resident's fears of raw sewage in their houses and gardens should be a material consideration for refusal.

Mr R Woolston, agent, addressed the Committee. He advised the Members that the officer conclusion that the site was sustainable was fair and that the development would include walking and cycling links to both villages. He highlighted that there was already development on 3 sides of the site therefore this would be infill. He stated that the land was low quality farm land and the housing land supply was minimal therefore the development was considered acceptable in principle. He added that there were no technical objections or material reasons for refusal and urged Members to support the application.

A motion to refuse the application on the grounds that the development would be outside the Limits to Development and unsustainable was moved by Councillor J G Coxon and seconded by Councillor J Legrys.

Councillor J G Coxon stated that he was concerned that the development would ruin the separation and that space was needed between the villages to give identity. He felt it would not be sustainable and highlighted that the other local authorities had raised concerns over the development.

Councillor J Legrys stated that the coalescence of the villages needed to be considered to ensure that they kept their separate identities, and that if the development was approved there would be no separation of the counties. He expressed his surprise that the application had an officer stamp of approval when there were urban design issues and other authorities opposed the application with concerns of overloading services. He felt that that the lack of area separation was a good ground to reject the application.

Councillor V Richichi stated that the motion to refuse was the right direction and that the Committee was considering public opinion. He reiterated that the report stated that the site was outside the Limits to Development and added that a 25% increase would change village life. He expressed that he would not be supporting the application.

The Head of Planning and Regeneration advised Members that the application was for outline permission and that any urban design issues would be dealt with at the next stage, that there was a shortage of evidence to show the impact the development would have on services and that the authority could not force NHS England to ask for Section 106 contributions, therefore the development would be sustainable without the contributions.

RESOLVED THAT:

The application be refused on the grounds that the development would be outside the Limits to Development and unsustainable.

**46. A2
15/00032/FULM: CONSTRUCTION OF 30 DWELLINGS WITH ASSOCIATED ACCESS AND OPEN SPACE**

Land Off Forest Road Hugglescote Leicestershire

Officer's Recommendation: Permit Subject to a Section 106 agreement

Having declared a non-pecuniary interest, Councillor D J Stevenson left the chair and the meeting and took no part in the consideration or voting thereon.

Councillor J Bridges took the chair for the consideration of the item.

The Senior Planning Officer presented the report to Members.

Mr K Lawrence, agent, addressed the Committee. He stated that the application had varied during the process following discussions and all comments had been taken into account. He highlighted to Members that:

- There would be pedestrian links to proposed sites
- The sub-station would be relocated, but the location had not been agreed yet,
- A surface water proposal would be adopted by Severn Trent Water and
- A speed survey had been undertaken.

He reminded Members that there were no technical objections and urged them to approve the application.

The Senior Planning Officer advised Members that an additional note to the applicant, should the application be permitted, had been included in the update sheet.

The officer's recommendation to permit was moved by Councillor M Specht and seconded by Councillor G Jones.

Councillor R Johnson highlighted that the report stated that there were no previous planning applications on the site and advised that an application in 1997 for a bungalow was refused. He felt that all previous planning applications were relevant for Members to consider.

Councillor N Smith stated that he could not see how the application could be refused as there were no technical objections to it.

Councillor J G Coxon queried if the sub-station move would be funded by the developer.

Councillor M B Wyatt expressed concern over the volume of traffic along Forest Road and stated that the additional cars would have an adverse effect. He added that the application should be refused.

Councillor R Johnson advised the Committee that he had called in the application and that the reason for doing so was threefold. Firstly he felt that the application was premature and prejudicial in the bigger picture of the development of south east Coalville. He stated that the second was that there was no area of separation, highlighting that the Masterplan clearly showed that the paddock of land was intended to be kept as a green buffer area from the Forest Road residents to the Davidsons first phase of 81 homes and the second phase of 190 homes application that he expected to come to Committee in the not too

distant future, which were the first of many as permitted by the Committee in the previous December. He added that there was to be 625 homes built between the old railway bridge on Grange Road up to Newbridge Academy, therefore Hugglescote would be taking 39% of all development envisaged in the new proposed Local Plan. He expressed his third reason was the most important and that was the proposed access onto an already dangerous road, stating that no matter how technical someone looked at it, it was very dangerous. Councillor R Johnson advised that a speed watch campaign was held every year by the Parish Council and there was always a consistency of speeding along the stretch of road. He stated that as a responsible planning authority the Council should be planning for the future of a bigger development not a piecemeal application, highlighting that the Davidsons application would have two access points onto Forest Road and there should be no reason to add a third. He expressed further concern that the applicant had not put anything into mitigation to address safety at the junction with Breach Road. He stated that it appeared that the developer had not consulted with residents as there were a number of proposed dwellings or garages that would abutt existing boundaries. He concluded by highlighting that the land was still used for grazing and that the residents who were given notice to quit the garages were now fighting for a space to park their vehicles adding congestion to Forest Road. He stated that he would be voting against.

Councillor D Everitt stated that the past planning history was relevant as if one bungalow was refused, why should 30 dwellings be permitted. He expressed concerns that there was no affordable housing proposed and that Forest Road was used as a cut through and should have been observed at all times of the day.

Councillor J Legrys expressed his despair at the number of piecemeal applications that were coming through and that a great debate had been had with Leicestershire County Council over the highways issues and disagreed with the conclusions reached by Leicestershire County Council. He stated that as a Ward Member for part of Forest Road he was fully aware of the number of traffic accidents that had happened and that local knowledge of the area should be taken into consideration, as the road required resurfacing and there were a number of sharp bends near the proposed access. He felt that the decision should be deferred until clarification over the responsibility of the sub-station could be sought. He also expressed concern that the future development of the area would lead to the roads becoming a Coalville by-pass and that the development was not sustainable on the District Valuer calculations. He added that he would be voting against the application.

Councillor J Bridges stated that his understanding was that the sub-station was going to be adopted.

The Head of Planning and Regeneration advised Members that all consultees were happy with the proposed method of surface water drainage and that the Local Lead Flood Authority should be satisfied with the relevant regulations.

Councillor G Jones stated that he was in support of the application as when they were out on the site visit he had not seen any traffic issues.

Councillor M Specht stated that at the current time only two thirds of the housing that was needed was being built. He highlighted that the site was sustainable and was within the Limits to Development and that the access issue could be resolved at when the full application came before the Committee.

Councillor R Johnson raised a point of order and drew Members attention to the fact the application was a full application not an outline one.

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

For the motion:

Councillors G A Allman, J Bridges, R Canny, J Cotterill, J Coxon, J Hault, G Jones, N Smith and M Specht(9).

Against the motion:

Councillors R Adams, R Boam, D Everitt, R Johnson, J Legrys, V Richichi and M B Wyatt(7).

Abstentions:

None(0).

RESOLVED THAT:

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

Councillor D J Stevenson returned to the meeting and the chair.

47.

A3

15/00499/FULM: THE DEVELOPMENT OF A NEW SOLAR FARM OF UP TO 5MW OF GENERATING CAPACITY, COMPRISING THE INSTALLATION OF SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED INFRASTRUCTURE INCLUDING ELECTRICAL INVERTER AND TRANSFORMER CABINS, SWITCHGEAR AND METER HOUSE, ACCESS TRACKS, FENCING, CCTV, LANDSCAPE PLANTING AND GRID CONNECTION.

Land To The East Side B4116 Ashby De La Zouch And North Of Measham Road
Officer's Recommendation: Permit

Having declared non-pecuniary interests in both items A3 & A4, Councillors R Boam, J Cotterill, J Legrys, N Smith and M Specht left the meeting and took no part in the consideration and voting thereon.

The Senior Planning Officer presented the reports for A3 and A4 to Members.

The Planning and Development Team Manager read out a letter received from Andrew Bridgen MP:

Ms A Wilmot, objector, addressed the Committee. She advised Members that she had concerns over the substandard access to the site and that residents along the road already found it difficult to join from the right. She highlighted that badgers lived in the fields and this would affect their setts and that there were already four solar panel farms near Packington and that no thought had been given to the residents. She reminded Members that the local MP had stated that there was no longer pressure to approve the applications. She went on to advise the Committee that the applicant had made no contact with the residents of Park Farm and had not kept in touch and expressed concerns over who would dismantle and clear the land at the end of the 25 years.

Ms S Rickers, objector, addressed the Committee. She advised the Members that when she had attended a consultation on the application the main objection was the proposed HS2 line. She advised that the land owner had put in the application, however until any decision had been made on the line the application should remain in limbo. She added that a decision on HS2 was not expected until December at the earliest therefore the application should not be considered.

Ms S Bangert, agent, addressed the Committee. She advised the Members that both applications were sustainable and that the second application could not go ahead if the

first was refused. She stated that the site was 1.6% of the farmholding and that sheep would still be able to graze in the area. She highlighted to Members that:

- the solar farm would be there for 25 years only,
- there were more supporters than objectors,
- It was one of many schemes nationally that was helping to meet the targets of reducing carbon emissions,
- Members of the public had the opportunity to own shares in the site

She concluded by urging Members to support the application.

Mr B Dodd, on behalf of Green Fox Community Energy, addressed the Committee.

The officer's recommendation to permit was moved by Councillor M B Wyatt and seconded by Councillor D Everitt.

Councillor M B Wyatt stated that it was a good scheme for both the community and environment.

Councillor R Adams stated that he did not like windmills, so preferred the panel farm, but raised concerns over enforcing the removal of the equipment.

The Head of Planning and Regeneration advised Members that the authority had the enforcement powers to ensure that the equipment would be dismantled and removed from the site if required.

Councillor D Everitt stated that the country needed renewable energy. He highlighted that the farm would not be seen from the road and that the badgers would still be able to exist. He advised that the concerns as to how the equipment would be removed and valuable land were weak against the strong reasons for needing to find more energy sources, adding he supported the application.

In response to a question from Councillor R Johnson, the Head of Planning and Regeneration confirmed to Members that the applicant was Solstice Renewables Ltd.

Councillor M B Wyatt advised that he would rather see a solar farm for 25 years than houses forever.

Councillor D J Stevenson advised Members that the land would come back to farming.

RESOLVED THAT:

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

- 48. A5**
15/00510/FUL: REMOVAL OF THE EXISTING 10KW WIND TURBINE AND
INSTALLATION OF A 75KW WIND TURBINE AND ASSOCIATED INFRASTRUCTURE
 Forest Way Area Special School Warren Hills Road Coalville
 Officer's Recommendation: Permit

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

The officer's recommendation to permit was moved by Councillor J Bridges and seconded by Councillor M B Wyatt.

Councillor M B Wyatt stated that he had received a couple of concerns from local residents, however he was a big supporter of wind turbines and was happy to support the recommendation.

RESOLVED THAT:

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

49. A6
15/00749/PDNATR: PRIOR APPROVAL NOTIFICATION FOR CHANGE OF USE FROM AGRICULTURAL BUILDING TO A RESIDENTIAL DWELLING

Lowlands Farm Measham Road Oakthorpe
 Officer's Recommendation: No Objections

The Planning Officer presented the report to Members.

The officer's recommendation for no objection was moved by Councillor J Legrys and seconded by Councillor M Specht.

RESOLVED THAT:

The prior notification be granted in accordance with the recommendation of the Head of Planning and Regeneration.

50. A7
15/00710/FUL: ERECTION OF TWO STOREY AND SINGLE STOREY SIDE AND REAR EXTENSIONS

10 Churchill Close Ashby De La Zouch Leicestershire
 Officer's Recommendation: Permit

The Planning Officer presented the report to Members.

Mr J Wesker, objector, addressed the meeting. He highlighted his objections that he had previously submitted, advising Members that:

- the extension would come right up to the boundary,
- the dormer windows would overlook his property, causing loss of privacy,
- the amended plans show a lower ridge, but only by 4%
- the report stated that it was typical of semi-detached properties, but advised the Committee that these were detached properties.

The officer's recommendation to permit was moved by Councillor J Legrys and seconded by Councillor J Cotterill.

RESOLVED THAT:

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

51. A8
15/00648/VCI: VARIATION OF CONDITIONS 2 AND 6 OF PLANNING PERMISSION 12/01006/FUL, SUBSEQUENTLY AMENDED BY APPLICATION REFERENCE 13/00695/NMA, TO RETAIN "AS BUILT" CHANGES

Breedon Hall Main Street Breedon On The Hill
 Officer's Recommendation: Permit

The Senior Planning Officer presented the report to Members.

The officer's recommendation to permit was moved by Councillor J Bridges and seconded by Councillor R Johnson.

RESOLVED THAT:

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

- 52. A9**
15/00637/LBC: RETROSPECTIVE APPLICATION FOR CONVERSION OF UNLISTED FORMER STABLE BLOCK WITHIN CURTILAGE OF LISTED BUILDING INTO 3 RESIDENTIAL UNITS INCLUDING EXTERNAL WORKS AND OFF-STREET PARKING
Breedon Hall Main Street Breedon On The Hill
Officer's Recommendation: Permit

The Senior Planning Officer presented the report to Members.

The officer's recommendation to permit was moved by Councillor R Johnson and seconded by Councillor J Legrys.

RESOLVED THAT:

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

- 53. A4**
15/00500/FULM: THE DEVELOPMENT OF A NEW SOLAR FARM OF APPROXIMATELY 1MW OF GENERATING CAPACITY, COMPRISING THE INSTALLATION OF SOLAR PHOTOVOLTAIC PANELS AND ASSOCIATED INFRASTRUCTURE INCLUDING ELECTRICAL INVERTER AND TRANSFORMER CABINS, SWITCHGEAR AND METER HOUSE, ACCESS TRACKS, FENCING, CCTV, LANDSCAPE PLANTING AND GRID CONNECTION.
Land To The East Of B4116 Ashby De La Zouch And North Of Measham Road
Officer's Recommendation: Permit

The officer's recommendation to permit was moved by Councillor M B Wyatt and seconded by Councillor R Adams.

Councillor V Richichi stated that he felt that the piece of land in question would benefit from tree planting and was against the recommendation.

RESOLVED THAT:

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

Councillors R Boam, J Cotterill, J Legrys, N Smith and M Specht returned to the meeting.

The meeting commenced at 4.30 pm

The Chairman closed the meeting at 6.28 pm

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APPENDIX B

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

6 October 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 Amendments to Motion

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words

as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Regeneration/Planning and Development Team Manager present at the meeting. That advice may be sought during the course of the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

8 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.

9. 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.

Variation of conditions 2, 4 and 6 to amend the first phase of development to no less than 50 dwellings, the time period for the submission of the reserved matters for the extra care facility extended to 5 years from the date of the outline permission and the removal of the reference to the master plan. Removal of conditions 7,8,14 and 24 relating to drainage to discharge to the mains sewer system and replacement with a single condition and the removal of conditions 18,19 and 20 relating to sustainable construction methods and energy supply attached to outline planning permission 13/00486/OUTM.

Report Item No
A1

Land Adjoining Holywell Farm Burton Road Ashby De La Zouch Leicestershire LE65 2LP

Application Reference
15/00465/VCUM

Applicant:
Mr Michael Robson

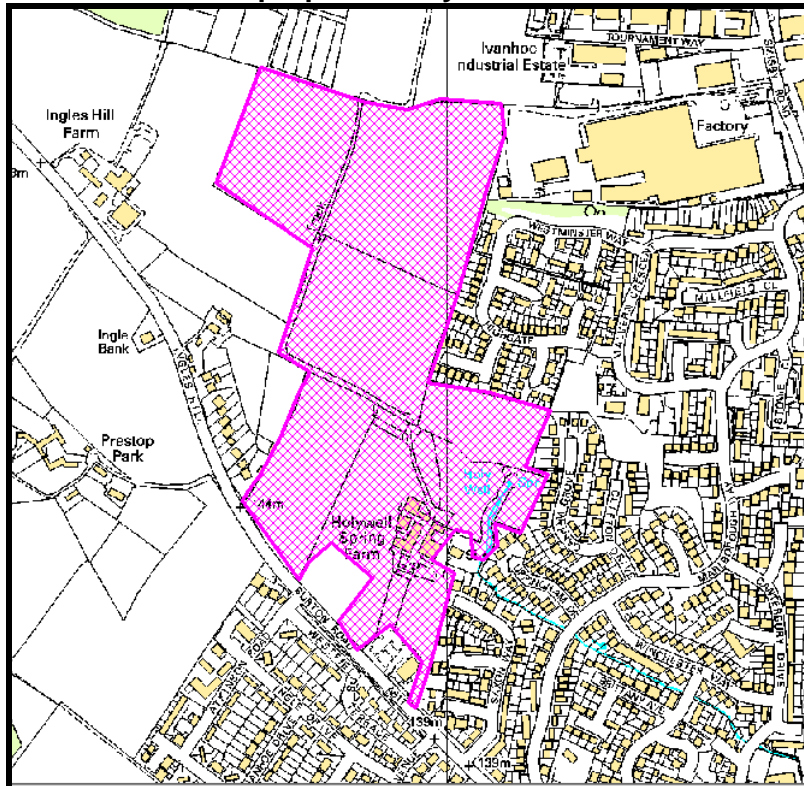
Date Registered
15 May 2015

Case Officer:
Ebony Mattley

Target Decision Date
14 August 2015

Recommendation:
PERMIT Subject to a deed of variation to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

In accordance with the North West Leicestershire District Council Constitution, the application has been referred to the Planning Committee to consider the impact upon the environment, in particular the River Mease Special Area of Conservation and Site of Special Scientific Interest.

Proposal

The previous application (ref: 13/00486/OUTM) sought outline permission for residential development (up to 400 Dwellings) formation of access to Burton Road, A1 Shop, D1 Medical centre, C2 Residential care home, Single form entry primary school, Pumping Station infrastructure and open space provision which was approved on 1 October 2014.

This application seeks to amend conditions 2, 4 and 6 to remove references to the original master plan, design and access statement, amend the first phase of development to no less than 50 dwellings and extend the time period for the submission of the reserved matters for the extra care facility. This application also seeks the removal of conditions 7,8,14 and 24 relating to drainage to discharge to the mains sewer system and replace with a single condition and to remove conditions 18, 19 and 20 relating to sustainable construction methods and energy supply.

Consultations

Members will see from the main report below that six letters of objection have been received. No objections have been received from any of the statutory bodies consulted upon with the exception of Ashby Town Council.

Planning Policy

It is considered that the development would remain compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the North West Leicestershire Local Plan, other guidance and emerging draft Local Plan.

Conclusion

The site has the benefit of outline planning permission for residential development. For the reasons discussed within the main report it recommended that this application be granted consent, subject to the imposition of all other previous planning conditions, a new revised masterplan condition (previous outline condition 6) a new capacity condition, relating to the River Mease, a revised drainage condition (previous outline condition 14) amendments to conditions 2 and 4 relating to timeframes and removal of conditions 7,8,18,19,20 and 24.

RECOMMENDATION:- PERMIT, SUBJECT TO A DEED OF VARIATION TO THE ORIGINAL SECTION 106 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 was originally for the variation of conditions 2,4,7,8,14,18,19,20 and 24 attached to planning permission 13/00486/OUTM, however the application description has been amended twice during the course of the application, to include condition 6, which references the master plan and to extend the time period for the submission of the reserved matters for the extra care facility to 5 years from the date of the outline permission, and re-consultation has been undertaken with all neighbouring dwellings on both occasions.

Accordingly this application now proposes to amend conditions 2, 4 and 6 to remove references to the original master plan, design and access statement, amend the first phase of development to no less than 50 dwellings and extend the time period for the submission of the reserved matters for the extra care facility. This application also seeks the removal of conditions 7,8,14 and 24 relating to drainage to discharge to the mains sewer system and replace with a single condition and to remove conditions 18, 19 and 20 relating to sustainable construction methods and energy supply.

The previous application (ref: 13/00486/OUTM) sought outline permission for residential development (up to 400 Dwellings) formation of access to Burton Road, A1 Shop, D1 Medical centre, C2 Residential care home, Single form entry primary school, Pumping Station infrastructure and open space provision and was approved on 1 October 2014.

The application is accompanied by a supporting statement and addendum to the Flood Risk Assessment incorporating a drainage strategy plan.

Relevant Planning History

15/00738/REMM - Erection of 94 dwellings 'Phase 1' (reserved matters to outline permission reference 13/00486/OUTM of layout, scale, appearance and landscaping) - Pending Consideration.

13/00486/OUTM - Proposed residential development (400 Dwellings) formation of access to Burton Road, A1 Shop, D1 Medical centre, C2 Residential care home, Single form entry primary school, Pumping Station infrastructure and open space provision (Resubmission) - Approved - 01.10.2014.

2. Publicity

164 no neighbours have been notified (Date of last notification 6 July 2015)

Press Notice published 27 May 2015

Site Notices posted 22 May 2015

3. Consultations

Ashby De La Zouch Town Council
 Environment Agency
 Severn Trent Water Limited
 Head of Environmental Protection
 Natural England

Development Contributions
 Manager Of Housing North West Leicestershire District Council

4. Summary of Representations Received

The following summary of representations is provided.

Ashby Town Council raises the following objections:-

- a) Impact upon the Council's 5 Year Supply
- b) Delay in construction of the school
- c) Replacing the old masterplan without replacing it with a new one
- d) The FRA and drainage mitigation should still be completed
- e) Condition 18 should be retained with at least 10% of the energy supply for the development being secured from renewable or low-carbon energy sources.

Natural England raises no objections.

Environment Agency raises no objection, subject to a Note to Applicant.

NWLDC Environmental Protection has no environmental observations.

Third Party Representations

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

- a) Only one access, why can't another access be created?
- b) Create congestion and traffic problems
- c) Highway safety
- d) Inadequate infrastructure
- e) Loss of historic nature of the town
- f) Drainage capacity
- g) Can the £500,000 being saved by the developer by not needing the pumping station be given to NWLDC for the benefit of people who are going to be affected by the development?
- h) At what stage will details of the type, size and houses be given?
- i) Has NWLDC allowed for any losses in generating capacity of solar panels fitted to roofs on bordering properties
- j) Errors contained in the planning application
- k) The old masterplan should not be removed, until a new one is agreed
- l) What are the costs to the Council if the conditions are passed?
- m) The Council might not be lawful in the way it is acting in negotiating these changes
- n) The use of the Section 73 application is an improper use of the process
- o) A new application should be submitted
- p) The Flood Risk report is not detailed enough
- q) The requirement for other businesses requiring capacity cannot be overlooked
- r) This application should be taken to committee and decided by Councillors
- s) Condition 2 - the developers should be required to commence as early as possible to maintain the Councils supply
- t) Condition 14 - relates to floodrisk and not capacity
- u) Condition 18 - the re-regulation act does not prevent the council imposing local targets

(The Merton Rule)

1 letter of support has been received stating that Ashby needs more housing.

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 57 (Requiring good design)
 Paragraph 59 (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 112 (Conserving and enhancing the natural environment)
 Paragraph 118 (Conserving and enhancing the natural environment)
 Paragraph 123 (Conserving and enhancing the natural environment)
 Paragraph 131 (Conserving and enhancing the historic environment)
 Paragraph 132 (Conserving and enhancing the historic environment)
 Paragraph 135 (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 outside 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 S1 - Overall Strategy

Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design
Policy H8 - Affordable Housing
Policy S3 - Countryside
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E6 - Comprehensive Development
Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy E30 - Floodplains
Policy F1 - National Forest - General Policy
Policy F2 - Tree Planting
Policy F3 - Landscaping & Planting
Policy T3 - Highway Standards
Policy T8 - Parking
Policy L21 - Children's Play Areas
Policy L22 - Formal Recreation Provision

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

S1 - Presumption in favour of sustainable development
S2 - Future housing and economic development needs
S3 - Settlement Hierarchy
S4 - Countryside
S5 - Design of New development
H1 - Housing provision: planning permissions
H4 - Affordable Housing
H6 - House types and mix
IF1 - Development and Infrastructure
IF2 - Community Facilities
IF3 - Open space, sport and Recreation facilities
En1 - Nature Conservation
En2 - River Mease Special Area of Conservation
En3 - The National Forest
Cc1 - Renewable Energy
Cc2 - Sustainable design and construction
Cc3 - Water - flood risk
Cc4 - Water - Sustainable Drainage Systems

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.

6Cs Design Guide (Leicestershire County Council)

North West Leicestershire District Council Affordable Housing Supplementary Planning Document (SPD)

North West Leicestershire District Council Play Area Design Guidance Supplementary Planning Guidance (SPG)

6. Assessment

Principle of Development

The principle of this development has already been established by the previous planning permission (13/00486/OUTM), which was granted in October 2014. This report should be read in conjunction with that of the earlier application that establishes the principle of development.

The main issue in the determination of the application is, therefore, whether the revised proposal would be acceptable in light of the suggested changes.

Condition 2

Condition 2 attached to outline consent 13/00486/OUTM states:-

"Notwithstanding condition 1, application for approval of all of the reserved matters relating to 200 of the dwellings hereby permitted shall be made to the Local Planning Authority before the expiration of two years from the date of this permission and the development hereby permitted shall begin before the expiration of one year from the date of approval of the reserved matters for these 200 dwellings.

Reason - to comply with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended) and to expedite the delivery of housing on the site given the weight afforded to the ability of the site to contribute towards the Councils five year housing land supply position."

The applicant has confirmed that they have reviewed the phasing strategy for the site and intend to bring forward no less than 50 dwellings, and therefore would not be able to achieve the 200 dwellings, as currently referenced within the condition.

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 District Council is currently able to demonstrate a five year supply (and including for a 20% buffer).

The draft Local Plan identifies that an increased housing land requirement beyond that underpinning the District's existing housing needs may be required. This could, as the weight to be attached to the Local Plan increases as it progresses towards adoption, place the District in a position whereby it would no longer be able to demonstrate a five year (plus buffer) supply. However, having regard to the very limited weight that can reasonably be attributed to the emerging Local Plan at this early stage, officers remain of the view that a five year (including 20% buffer) can be demonstrated at this stage.

The Council is able to demonstrate a five year supply with a 20% buffer and there is still intention for the applicant to come forward with at least 50 dwellings. During the course of the application, the first reserved matters application has been submitted for the site (ref: 15/00738/REMM) which proposes 94 dwellings and shows the applicant's commitment to delivering in excess of the 50 dwellings.

Accordingly on balance there is no objection to the condition requiring at least 50, in lieu of the previously proposed 200 dwellings. It is therefore recommended that this condition be amended to reflect the phasing strategy.

During the course of the application the applicant has sought to also extend the timeframe for the delivery of the extra care facility. As the extra care facility was offered in lieu (and as a form of affordable housing) the views of the Council's Affordable Housing Officer have been sought.

The Council's Affordable Housing Officer raises no objection to the revised timeframe and it is therefore recommend that this condition be amended to reflect the new timetable for delivery.

Condition 4

Condition 4 attached to outline consent 13/00486/OUTM states:-

"In respect of those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the following approved plans:

- o Masterplan 09.100_19H*
- o Site Location Plan 09.100_32A*
- o Site Accesses Drawing 11057-23*
- o Design & Access Statement July 2011 and by Design & Access Statement Addendum dated February 2012.*

Reason - for the avoidance of doubt and to determine the scope of this permission in the interests of proper planning."

The applicant states that there is a conflict with the condition, requiring the development to be carried out in accordance with the master plan and design and access statement, when layout was not for consideration at the outline stage and requires the reference to the master plan and design and access statement to be removed. Officers are in agreement with the applicant in this matter and therefore there is no-in principle objection to the removal of the masterplan and design and access statement from the list of approved plans.

Condition 6

During the course of the application, following concerns raised by officers, it was also considered that condition 6 would also need to be varied to remove the reference to the outline masterplan which was contained within it.

Condition 6 states:-

"No development shall take place unless and until a Design Code and Phasing Plan (including a detailed masterplan) for the entirety of the site has been submitted to and approved in writing by the Local Planning Authority. The Design Code and Phasing Plan should substantially accord with the principles and parameters described and illustrated in the Masterplan 09.100_19H, the

Design & Access Statement July 2011, Design & Access Statement Addendum dated February 2012 unless otherwise agreed by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason - To ensure an appropriate form of design and to comply with Policies E4 and H7 of the North West Leicestershire Local Plan and to accord with the aims and objectives of the National Planning Policy Framework."

The removal of the reference to the masterplan within the condition would mean that the Authority would not have details of the overall vision and officers are of the opinion that the trigger for the condition is incorrect as it only requires the applicant to submit the details, prior to the commencement of development, which would only be after the reserved matters application(s) will have been submitted.

As such, whilst there is no objection in removing the reference to the masterplan, as the applicant originally intended to seek, it is also considered necessary, at this stage that the condition should be entirely reworded to ensure that the first reserved matters application includes a new revised masterplan for all of the site.

The suggested re-wording is as follows:-

"The first reserved matters application shall include a development masterplan for the whole of the site setting out details of site layout, principle road layout, areas of open space/children's play areas, landscaping, as well as details of any proposed phasing of development. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed on writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

The reason would be to ensure that the development of the site (including where undertaken in a phased manner) takes place in a consistent and comprehensive manner."

Conditions 7, 8, 14 and 24

Conditions 7, 8, 14 and 24 attached to outline consent 13/00486/OUTM state:-

"7) "No development shall commence on site until such time as full details of the proposed pumping station and rising main method of disposing of foul waste from the site outside of the catchment of the River Mease Special Area of Conservation have been submitted to and approved in writing by the Local Planning Authority. Any improvement works required to the sewerage network and/or Milton sewage treatment works shall be implemented in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. No occupation of dwellings approved by this permission shall occur until these works have been completed.

Reason - To ensure the satisfactory disposal and treatment of foul waste and to protect the status of the River Mease SAC and to accord with the aims and objectives of the National Planning Policy Framework."

8) "None of the development consented shall be occupied until such time as the agreed

pumping station and rising main solution are provided and operational.

Reason - To ensure the satisfactory disposal and treatment of foul waste and to protect the status of the River Mease SAC and to accord with the aims and objectives of the National Planning Policy Framework."

14) "The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2013, Ref: C865-x0228-Rev-, undertaken by Shepherd Gilmour Infrastructure Ltd and the following mitigation measures detailed within the FRA:

1. Limiting the discharge rate and storing the surface water run-off generated on site 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. Sections 3.7, and 3.10 to 3.18, and as shown on the outline master drainage plan drawing No. C865-210 Revision C.

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

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

24) "Prior to the commencement of any part of the development hereby permitted, a detailed design of the proposed pumping station access at Burton Road, as indicatively shown on DTA drawing no. 11057-23 revision D, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any part of the development, the approved junction shall be provided in full and be made available for use.

Reason: To provide vehicular access to the site, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan and to accord with the aims and objectives of the National Planning Policy Framework."

The applicant states that the intention is to remove all of the four conditions as listed above in lieu of one comprehensive condition based upon an amended foul drainage strategy, which has been submitted with the application. The applicant also confirms that they are willing to enter into an agreement to make contributions towards the River Mease Developer Contribution Scheme.

Natural England has confirmed that since Severn Trent Water has confirmed that the treatment works at Packington has the capacity, and a commitment has been made by the applicant to make appropriate contributions to the River Mease Contribution Scheme, Natural England therefore raises no objection to the proposal to replace conditions 7, 8 and 24 with a single condition.

Notwithstanding the comments regarding capacity, no additional response or comments have been received from Severn Trent in respect of the removal of the conditions, despite a series of requests from officers for their comments on 19 June 2015, 21 July 2015 and 5 August 2018 (in addition to the initial consultation).

The Environment Agency (EA) originally raised no objection to the removal of all of the conditions, however officers have liaised directly with the EA over concerns with the removal of condition 14 as this relates to surface water drainage. The EA have subsequently confirmed that they would raise an objection regarding the removal of condition 14, unless either condition 14 is retained or re-worded.

The applicant and EA have worked together and the EA have confirmed that they now have no objection providing the condition includes the following wording, as set out below:-

"The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2013 Reference C865-x0228-Rev-undertaken by Shepherd Gilmour Infrastructure Ltd in respect of surface water drainage and the FRA Addendum produced by Rogers Leask Ltd dated March 2015 in respect of foul water drainage and the following mitigation measures detailed within the FRA and FRA Addendum unless otherwise agreed in writing by the local planning authority".

Members are aware that 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.

In terms of capacity, the Addendum to the FRA states that following the closure of Arla Dairy, this has allowed the equivalent of 2000 dwellings worth of capacity in the system and would therefore be feasible to make a connection into the public sewer in Burton Road, which outfalls at Packington Sewage Treatment works. The flows from the proposed dwellings will need to be taken into account against the existing headroom capacity (recently revised) at Packington Treatment Works, which would serve this site where there is sufficient capacity. In addition, the Strategic Planning Analyst from Severn Trent Water has also confirmed that there is sufficient capacity. The applicant also confirmed that they are willing to enter into an agreement to make contributions towards the DCS.

The adopted DCS for the equivalent of approximately 2,400 dwellings to be constructed to remove the required level of phosphorous (700 g per day). This is known as the "DCS First Development Window" and measures are currently in place to fund the removal of the phosphorous from the catchment.

Discussions have been undertaken with colleagues from the River Mease Programme Board regarding capacity. It is considered that, whilst the capacity is dependent upon the number of bedrooms for each dwelling type and the water efficient standard they are built to.

Members are advised that of the 2,400 dwellings, there is remaining capacity (based upon 4 bedroomed dwellings and low water efficiency) for 230 dwellings. Accordingly if the mix contained more dwellings with a lower number of bedrooms, the development window could accommodate more dwellings.

As such, it is not possible for all (up to) 400 dwellings, proposed are a result of this scheme, to

be accommodated within the DCS first development window, and in the absence, at present, of the DCS second development window, it is recommended that a condition be imposed requiring that there is a restriction on the number of dwellings occupied, until such time that the DCS second development window is in place.

Allowing this scheme capacity for the full (worst case scenario) 230 dwellings left within the DCS first development window, would therefore mean that any pending, or future application submissions could not be occupied, until such time that the DCS second development window was adopted.

Discussions have therefore been undertaken with the applicant to agree on an appropriate number of dwellings that could be reasonably accommodated within the DCS first development window, to ensure that the full 230 dwellings capacity is not taken at this time, which would otherwise prejudice future development.

Preliminary works have already been undertaken by the River Mease Programme Board on the DCS second development window, which is expected to be finalised in the Spring of 2016. The applicant has already submitted the first phase (Reserved Matters) of the development for 94 dwellings, and it is unlikely that even in the event that the Reserved Matters application was approved and the relevant pre-commencement conditions discharged, that any more than 94 dwellings would be occupied, prior to the DCS second development window being in place.

Nevertheless in the interests of being reasonable, the number of dwellings has been agreed to be no more than 115 dwellings. This is half of the overall 230 dwellings still remaining within DCS first development window, and thus leaves capacity for another 115 dwellings.

Accordingly the suggested wording for the condition is as follows:-

"No more than 115 dwellings shall be occupied until the Local Planning Authority has provided the applicant with written confirmation that River Mease Special Area of Conservation Water Quality Management Plan Developer Contribution Scheme Second Development Window has been formally adopted."

Therefore it can be ascertained that the proposal on the site will, either alone or in combination with other plans or projects, have no likely 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.

For the reasons discussed above there is no objection with the removal of conditions 7,8 and 24, the variation of condition 14 to reflect the suggested wording from the EA and the insertion of a new condition restricting occupation.

Conditions 18,19 and 20

Conditions 18, 19 and 20 attached to outline consent 13/00486/OUTM state:-

18) *"At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources (as described in Annex 2 of the NPPF). Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority as a part of the first reserved matters submissions required by Conditions 1 and 2 above. The approved details shall be implemented in accordance with the approved timetable and retained as operational*

thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To ensure the scheme provides for a sustainable form of development, and to accord with the aims and objectives of the National Planning Policy Framework."

19) *"All reserved matters applications for the erection of dwellings shall include full details of the proposed dwellings' anticipated level of achievement in respect of criteria / sub-categories contained within the Code for Sustainable Homes. None of the dwellings hereby permitted shall be occupied until such time as evidence to demonstrate the relevant dwelling's compliance with the relevant criteria has been submitted to and agreed in writing by the Local Planning Authority.*

Reason - To ensure the environmental integrity of the scheme is secured and to accord with the aims and objectives of the National Planning Policy Framework."

20) *"All reserved matters applications for the erection of non-residential development shall include full details of the proposed buildings' anticipated level of achievement within the Building Research Establishment's Environmental Assessment Method (BREEAM). No building shall be brought into use until such time as an assessment of the building has been carried out by a registered BREEAM assessor and a BREEAM Certificate has been issued for the relevant building certifying that the relevant BREEAM Level has been achieved and this BREEAM Certificate has been submitted to and agreed in writing by the Local Planning Authority.*

Reason - To ensure the environmental integrity of the scheme is secured and to accord with the aims and objectives of the National Planning Policy Framework."

The applicant states that on the basis of the Deregulation Bill 2015, planning permission should not be granted requiring or subject to conditions requiring compliance with any technical housing standards, other than for those areas where authority's have specific policies and should application ref: 13/00486/OUTM be brought forward for determination now, such conditions would not be imposed.

It is agreed that the Deregulation Bill 2015 takes immediate effect and consequently the justification for conditions 18,19 and 20 no longer applies.

Other Matters

Members are advised that with the exception of the insertion of the River Mease Developer Contribution, all other previous contributions secured by the S106 Agreement attached to the original outline consent will be carried forward with this application. A deed of variation to the original S106 is currently under consideration to secure this.

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

In response to the neighbour comment regarding the approximately £500,000 being saved by the developer, in requesting contributions from the developer, a planning obligation must meet all of the following tests:-

- o It is necessary to make the development acceptable in planning terms
- o Directly related to the development and
- o Fairly and reasonably related in scale and kind to the development

As such, it is not considered that these tests would be satisfied for such a request.

In respect of the timeframe for consideration of the type, size and heights of houses, the outline application only sought consent for the access, and reserved the details of layout, scale, appearance and landscaping for future consideration.

During the course of the application the first reserved matters application has now been submitted and details have been provided in respect of layout, scale, appearance and landscaping. This application is seeking to review the conditions attached to the original outline and has no bearing on layout, scale, appearance and landscaping.

In response to the neighbours comments regarding impacts upon the generating capacity of solar panels, when layout is presented for approval (at the Reserved Matters stage) the Council will then have the respective distances between the existing neighbouring properties and those proposed on this site. Depending on the orientation of the proposed plots, and whether they contain windows serving habitable rooms, depends upon the separation distance the Council would seek. As to the impacts specifically upon the generating capacity of solar panels, this is not a material planning consideration and therefore the Council would not assess this potential impact.

Conclusion

In conclusion, the principle of this development has already been established through the earlier grant of planning permission (ref: 13/00486/OUTM).

For the reasons discussed above it recommended that this application be granted consent, subject to the imposition of all other previous planning conditions, a new revised masterplan condition (condition 6) a new capacity condition, relating to the River Mease, a revised drainage condition (condition 14) amendments to conditions 2 and 4 relating to timeframes and removal of conditions 7,8,18,19,20 and 24.

RECOMMENDATION, PERMIT, subject to the signing of a legal agreement and subject to the following condition(s):

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from 1 October 2014 (the date of the original permission ref: 13/00486/OUTM) and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

- 2 Notwithstanding condition 1:-
 - a. Application for approval of all of the reserved matters relating to a minimum of 50 of the dwellings hereby permitted shall be made to the Local Planning Authority before the expiration of two years from the date of the outline permission (1 October 2014) and the development hereby permitted shall commence before the expiration of one year from the date of approval of the reserved matters for these minimum of 50 dwellings.

- b. Application for approval of all of the reserved matters relating to the extra care facility hereby permitted shall be made to the Local Planning Authority before the expiration of five years from the date of the outline permission (1 October 2014) and the development hereby permitted shall commence before the expiration of one year from the date of approval of the reserved matters for the extra care facility.

Reason - To comply with the requirements of section 91 of the Town and Country Planning Act 1990 (as amended) and to expedite the delivery of housing on the site given the weight afforded to the ability of the site to contribute towards the Councils five year housing land supply position.

- 3 No development shall take place within any phase of the development unless and until full details of the access (save for the details of vehicular accesses into the site from Burton Road) to and within that phase, scale, layout and appearance of all buildings and landscaping (hereafter referred to as the reserved matters) have been submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details

Reason - To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

- 4 In respect of those matters not reserved for later approval, the development hereby permitted shall be carried out in accordance with the following approved plans:
- o Site Location Plan 09.100_32A
 - o Site Accesses Drawing 11057-23

Reason - For the avoidance of doubt and to determine the scope of this permission in the interests of proper planning.

- 5 The development hereby permitted shall not provide more than 400 dwellings net.

Reason - In order to secure an acceptable form of development for this site and to accord with the aims and objectives of the National Planning Policy Framework.

- 6 The first reserved matters application shall include a development masterplan for the whole of the site setting out details of site layout, principle road layout, areas of open space/children's play areas, landscaping, as well as details of any proposed phasing of development. All subsequent reserved matters applications shall be in accordance with the approved masterplan unless any alteration to the masterplan is first agreed on writing by the Local Planning Authority. All development of the site shall thereafter be undertaken in accordance with the agreed phasing and timetable details (or any alternatives subsequently agreed in writing by the Local Planning Authority).

Reason - To ensure that the development of the site (including where undertaken in a phased manner) takes place in a consistent and comprehensive manner.

- 7 No development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) unless and until a scheme of foul drainage and surface water drainage for that phase has been submitted to and agreed in writing by the Local Planning Authority. This will be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The

scheme shall subsequently be implemented in accordance with the approved details before the development or phase of the development is complete.

The scheme shall 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.
- f) Details of how the scheme shall be maintained and managed after completion.

None of the buildings within the relevant phase shall be brought into use until such time as the relevant scheme has been implemented in full in accordance with the approved details.

Reason - To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity in the interests of environmental quality and to accord with the aims and objectives of the National Planning Policy Framework.

8 No development shall commence on the site (or, in the case of phased development, in respect of the relevant phase) until such time as a surface water drainage scheme for the site (or relevant phase), based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development (including a timetable for its implementation), has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details and timetable. The submitted scheme shall demonstrate:

- a) The utilisation of above ground holding sustainable drainage techniques;
- b) The limitation of surface water run-off to equivalent greenfield rates;
- c) The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and
- d) Responsibility for the future maintenance of drainage features.

Reason - To prevent the increased risk of flooding, to improve and protect water quality, to improve habitat and amenity, to ensure the future maintenance of the sustainable drainage structures and to accord with the aims and objectives of the National Planning Policy Framework.

9 No development shall commence on site until an intrusive site investigation and Risk Based Land Contamination Assessment, in line with the requirements of the Geo-environmental desk study conducted by Shepherd Gilmour Environmental Limited Report No. T0106 NTM (ME1167) dated July 2011, 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 Year 2011 Investigation Of Potentially Contaminated Sites Code of Practice;
- b) BS8485 Year 2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
- c) 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:

- d) 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:

- e) Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- f) 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 ensure that the proposed development does not results in deterioration of controlled waters and to accord with the aims and objectives of the National Planning Policy Framework.

10 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 relevant to either the whole development or that part of the development. Prior to occupation of any part of the completed development, a report showing the findings of the Verification Investigation 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 the National Planning Policy Framework.

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

Reason - To prevent mobilisation of contamination to controlled waters and to accord with the aims and objectives of the National Planning Policy Framework.

- 12 The development hereby permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2013 Reference C865-x0228-Rev- undertaken by Shepherd Gilmour Infrastructure Ltd in respect of surface water drainage and the FRA Addendum produced by Rogers Leak Ltd dated March 2015 in respect of foul water drainage and the following mitigation measures detailed within the FRA and FRA Addendum unless otherwise agreed in writing by the Local Planning Authority;

1. Limiting the discharge rate and storing the surface water run off generated on site 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. Sections 3,7, and 3.10 to 3.18 and as shown on outline master drainage plan drawing No. C865-210 Revision C.

2. Provision of the foul water drainage strategy as detailed on drawings Nos. P14-179-300 and O14-179-301.

The mitigation measures shall be fully implemented prior to occupation of any part of the development and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or with any other period as May subsequently be agreed in writing by the Local Planning Authority.

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

- 13 No development shall take place within any phase of the development unless and until

full details of a landscape and biodiversity management plan, including long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscaped areas (except privately owned domestic gardens) within that phase, together with a timetable for its implementation has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the landscape management plan shall include the following information:

- a) the extent and type of new planting (planting to be of native species)
- b) details of maintenance regimes
- c) details of any new habitat created on site
- d) details of treatment of site boundaries and/or buffers around water bodies
- e) details of management of SuDs schemes present within the development site
- f) details of urban biodiversity design to be integrated into the development.

The development shall be carried out in accordance with the approved details, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority.

Reason - To ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy, and to comply with Policies E2 and E7 of the North West Leicestershire Local Plan and to accord with the aims and objectives of the National Planning Policy Framework.

- 14 The first reserved matters application for each phase of the development shall be accompanied by full details of all measures proposed in respect of the enhancement of the biodiversity of the area, including proposals in respect of future maintenance and a timetable for the implementation of the relevant measures. The development shall thereafter be undertaken and occupied in accordance with the agreed measures and timetable unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure the development contributes to the meeting of Biodiversity Action Plan priorities, and to accord with the aims and objectives of the National Planning Policy Framework.

- 15 No hedgerows shall be removed or soil stripping undertaken pursuant to this planning permission during the months of March to August inclusive unless first agreed in writing by the Local Planning Authority. Should nesting birds be found during construction work, work in the area shall cease immediately, and shall not resume until such time as the young have left the nest.

Reason - In the interests of nature conservation, and to accord with the aims and objectives of the National Planning Policy Framework.

- 16 The retail food store hereby permitted shall not exceed 1,000 square metres gross floorspace at any time.

Reason - To ensure the development takes the form envisaged by the Local Planning Authority, and to ensure satisfactory control over the retail impact of the development and to accord with the aims and objectives of the National Planning Policy Framework.

- 17 Prior to the commencement of any part of the development hereby permitted, a detailed

design of the proposed signalised site access junction at Burton Road, as indicatively shown on DTA Drawing no. 11057-23 revision D, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of any part of the development, the approved junction shall be provided in full and be made available for use.

Reason: To provide vehicular access to the site, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan and to accord with the aims and objectives of the National Planning Policy Framework.

- 18 Prior to the commencement of any part of the development hereby permitted, a detailed design of the proposed ghost island site access junction at Burton Road, as indicatively shown on DTA drawing no. 11057-23 revision D, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the 151st dwelling, the approved junction shall be provided in full and be made available for use.

Reason: To provide vehicular access to the site, in the interests of highway safety, and to comply with Policy T3 of the North West Leicestershire Local Plan and to accord with the aims and objectives of the National Planning Policy Framework.

- 19 No development shall commence on the site until such time as a construction 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 associated with the development does not lead to on-street parking problems in the area and to accord with the aims and objectives of the National Planning Policy Framework.

- 20 Notwithstanding the submitted Residential Travel Plan, no development shall commence on site in respect of any of the dwellings hereby approved until such time as a scheme of measures to reduce the amount of single occupancy car journeys to/from the site, including a timetable for their implementation, has been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented in accordance with the submitted details and shall thereafter be so retained.

Reason: To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to/from the site and to accord with the aims and objectives of the National Planning Policy Framework.

- 21 No development shall commence until such time as a scheme for the provision of a new or diverted bus service between Ashby de la Zouch town centre and Burton on Trent serving the development has been submitted to and approved in writing by the Local Planning Authority. The details of the scheme shall include hours of operation, service frequencies, routing, and the provision of necessary on and off site bus stop infrastructure (including pole and flag, bus shelter, raised kerbs and information display case). The scheme shall include any works/measures required for the initial implementation of the scheme, together with a phased programme for the implementation of any remaining measures required by the scheme as the development progresses. The scheme shall cover a minimum period of 5 years from commencement

of the service. No more than 150 dwellings shall be occupied until such time as the entire approved bus service scheme is fully operational.

Reason - To ensure that adequate steps are taken to provide a choice in mode of travel to and from the site and to accord with the aims and objectives of the National Planning Policy Framework.

- 22 No development shall commence on site until such time as full details of surface water drainage, including attenuation facilities, have been submitted to and approved by the Local Planning Authority through consultation with East Midlands Airport. Details shall include cross sectional bank profiles of any open water areas, mean residence time of attenuated water and mean water levels. The development shall be carried out in accordance with the agreed details which shall thereafter be retained.

Reason - In the interests of the safe and effective operation of East Midlands Airport and to accord with the aims and objectives of the National Planning Policy Framework.

- 23 No demolition / development shall commence on the site until such time as a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation first submitted to and agreed in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions, and:

- a) The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme);
- b) The programme for post-investigation assessment;
- c) Provision to be made for analysis of the site investigation and recording;
- d) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- e) Provision to be made for archive deposition of the analysis and records of the site investigation; and
- f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation

No demolition/development shall take place at any time other than in accordance with the agreed Written Scheme of Investigation. None of the buildings shall be occupied until such time as the site investigation and post investigation assessment has been completed in accordance with the programme set out in the agreed Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - To ensure satisfactory archaeological investigation and recording.

- 24 No more than 115 dwellings shall be occupied until the Local Planning Authority has provided the applicant with written confirmation that River Mease Special Area of Conservation Water Quality Management Plan Developer Contribution Scheme Second Development Window has been formally adopted.

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

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 2015 (as amended).
- 2 Your attention is drawn to the notes to applicant provided as part of planning permission 13/00486/OUTM.

Variation of conditions 3 and 22 of 15/00019/VCIM to include additional boundary treatments to plots 176 and 177 as well as landscaping revisions

Report Item No
A2

Land To The Rear Of Parkdale Ashby Road Ibstock
Leicestershire

Application Reference
15/00698/VCIM

Applicant:
Mr Sam McShane

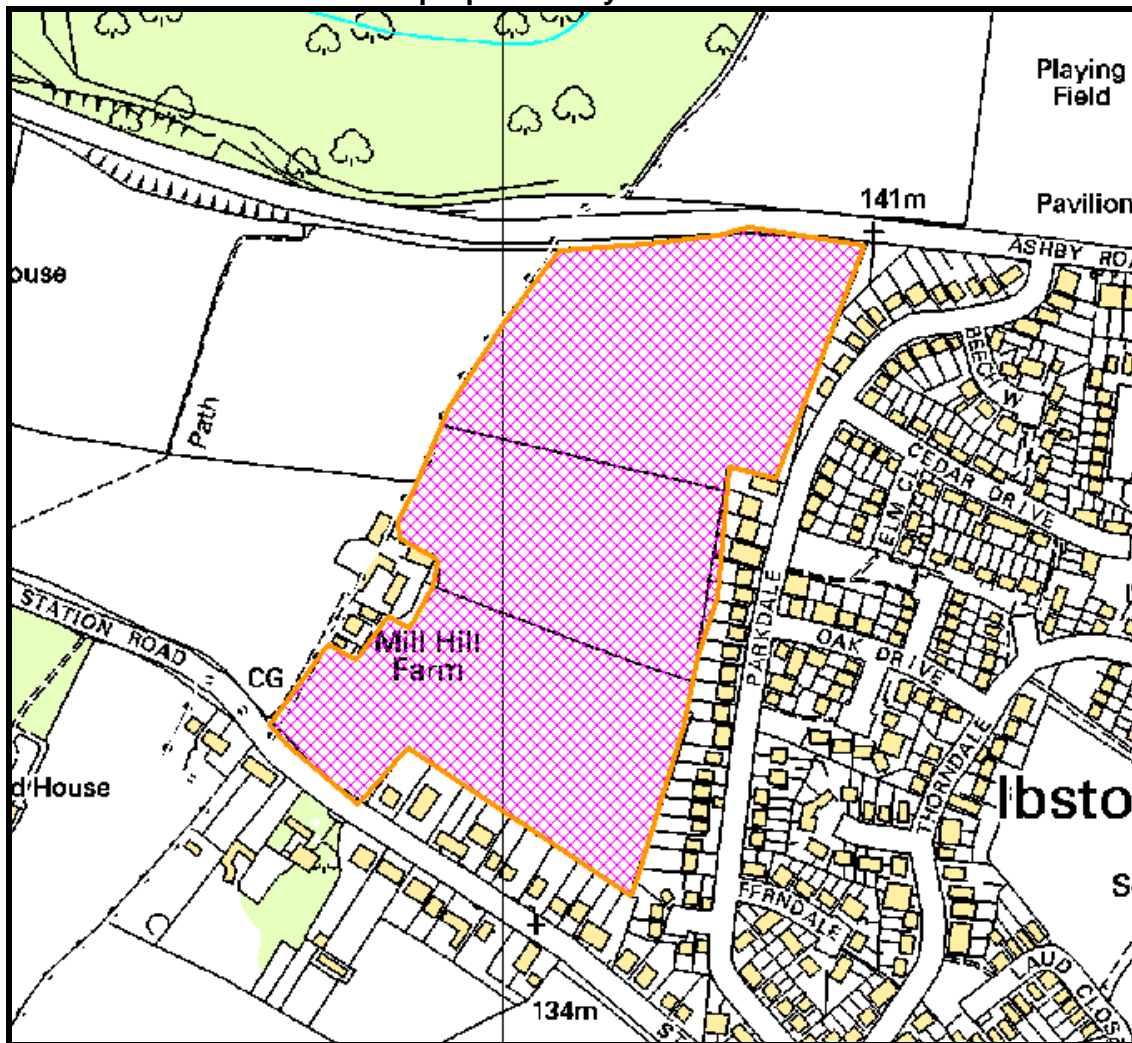
Date Registered
30 July 2015

Case Officer:
Adam Mellor

Target Decision Date
29 October 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 at the request of Councillor Clarke as the work has already begun on the variation which has not received permission and is to the detriment of residents of Parkdale.

Proposal

Permission is sought for the variation of Conditions 3 and 22 of 15/00019/VCIM to introduce additional boundary treatments and landscaping to plots 176 and 177 on the Bellway Homes development to the west of Parkdale and south of Ashby Road, Ibstock. It is noted that the boundary treatments are already partially in situ on the site.

Consultations

One letter of representation objecting to the application has been received from an occupant of Parkdale with Ibstock Parish Council also objecting.

Planning Policy

It is considered that the development would remain compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the current, and draft emerging, North West Leicestershire Local Plan and other guidance.

Conclusion

The site has the benefit of permission for residential development and this has been implemented on the site.

It is considered that the provision of fencing to the boundaries of the relevant plots would not have sufficiently detrimental impact on the amenities of neighbouring properties given that such a boundary treatment could have been erected by the original landowner or by any subsequent owner of one of the relevant plots without planning permission. It is also considered that landscaping is not necessary to mitigate any overlooking implications to existing residents, given the relative distances, but in any event tree planting would be provided within the rear garden of the plots which face towards properties on Parkdale. On this basis the development would accord with Policy E3 of the Local Plan.

Boundary treatments to be introduced would be within the rear amenity areas of the relevant plots and as such would not be readily visible from the public domain given that the fencing would be screened by a wooded area of open space between Nos. 55 and 93 Parkdale. In these circumstances the development remains compliant with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

It is also considered that the provision of additional tree planting would be acceptable and in accordance with Policies E7, F1, F2 and F3 of the Local Plan.

It is therefore recommended that the application be permitted.

The proposed amendments will require alterations to conditions 3 and 22 to reflect the revised details.

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 recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is an application under Section 73 of the Town and Country Planning Act 1990 to "vary" conditions 3 and 22 of planning permission 15/00019/VCIM which was approved on the 9th April 2015. Section 73 relates to development of land without complying with conditions subject to which a previous planning permission was granted. The Council, in considering this application, is only entitled to consider the question of the conditions subject to which planning permission should be granted.

Condition 3 of 15/00019/VCIM related to the proposed landscaping for the site with Condition 22 relating to the proposed boundary treatments.

The variation to condition 22 is proposed as 1.8 metre high close board timber fencing has been erected to the south-eastern (side) boundaries of Plots 176 and 177, which fronts towards the boundary of No. 83 Parkdale and an area of protected woodland (T136)/open space between Nos. 55 and 83 Parkdale. The approved boundary treatment plan did not show this fencing, and as such the application is part retrospective, with the applicant stating that the works are required as *"the current boundary treatment consists of part hedge and part 1.0 metre high fencing which we believe requires additional screening to provide adequate privacy and security to all parties."*

Condition 3 is proposed to be amended in order to provide additional landscaping within the rear garden area of Plot 177 in close proximity to the boundary with No. 83 Parkdale.

Whilst one letter of representation to the application was received this was from the occupant of No. 87 Parkdale who would not be directly affected by the proposed works to plots 176 and 177 given their distance from the boundary with No. 87. As such the comments submitted seem more applicable to application reference 15/00701/VCIM, and they have therefore been taken into account in the assessment of that particular application, also reported on the Planning Committee Agenda. Correspondence from No. 83 Parkdale objecting to the development only related to application reference 15/00701/VCIM, however, following a discussion with the occupant it has been ascertained that their objection to 15/00701/VCIM would also be applicable to 15/00698/VCIM given that Plot 176 would also share a boundary with this property. The objection is summarised as follows: -

The planning history of the site is as follows: -

- 12/00453/FULM - Application for the erection of 191 residential units, structural landscaping, open space provision and access roads - Approved 22nd August 2013;
- 13/00813/VCUM - Variation of 191 house types and ancillary buildings to those approved under application reference 12/00453/FULM - Approved 23rd April 2014;
- 14/00171/VCUM - Variation of Condition 21 of planning application 12/00453/FULM to allow the public footpath to be provided before occupation of the 101st dwelling on the site - Approved 16th June 2014;
- 14/00648/VCIM - Variation of condition 17 of 14/00171/VCUM to allow the off-site highways work at the new junction for the development on station road to being a mini - roundabout to be provided on the occupation of the 101st dwelling - Approved 2nd December 2014;
- 15/00004/FULM - Erection of 21 no. dwellings including variations to approved plots 1, 2, 41, 42, 43, 44, 45, 46, 47, 50, 51, 52, 53, 54, 55, 56, 64 and 65 and introduction of plots 192, 193, 194, 195, 196 and 197 - Approved 30th July 2015;

- 15/00018/VCIM - Variation of conditions 2, 3, 4 and 23 of 14/00648/VCIM for a proposed substitution of house types to plot nos. 101-108, 119-149, 156-175 and 184-191 along with alterations to the materials, landscaping, boundary treatments and drainage scheme - Approved 8th April 2015;
- 15/00026/NMA - Proposed alterations to external elevations on approved plots 3-10, 15-49, 57-63 and 66-100 (non-material amendment) - Approved 5th February 2015.

2. Publicity

18 Neighbours have been notified (Date of last notification 30 July 2015)

Site Notice displayed 12 August 2015

Press Notice published 5 August 2015

3. Consultations

Ibstock Parish Council consulted 30 July 2015

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.

Ibstock Parish Council vehemently oppose the application and comment that:-

"Bellway homes have trodden on existing residents during the whole process of building in Ibstock. They submitted applications, took on board comments, revised applications to get them passed and supported, then applied for variations all along the process.

The original plans took into account residents concerns, boundaries, comments, were amended and then passed, however, they have YET AGAIN built and erected off plan. To resolve this they submit retrospective variations AGAIN! This is not acceptable and makes a mockery of the whole planning process and reinforces our concerns about the current planning systems."

Third Party Representations

Whilst one letter of representation to the application was received this was from the occupant of No. 87 Parkdale who would not be directly affected by the proposed works to plots 176 and 177 given their distance from the boundary with No. 87. As such the comments submitted seem more applicable to application reference 15/00701/VCIM, and they have therefore been taken into account in the assessment of that particular application, also reported on the Planning Committee Agenda. Correspondence from No. 83 Parkdale objecting to the development only related to application reference 15/00701/VCIM, however, following a discussion with the occupant it has been ascertained that their objection to 15/00701/VCIM would also be applicable to 15/00698/VCIM given that Plot 176 would also share a boundary with this property. The objection is summarised as follows: -

- The original separation area should be adhered to;
- The erected fence is 2.5 metres from dining room windows and whilst the fence is proposed to be 1.8 metres the alterations to the ground levels mean that the height of the fence is 2.04 metres;
- The original plan to incorporate a 5 metre planted separation buffer should be reintroduced incorporating a quality fence and retaining our original fencing as this would be the most logical solution;
- The condition for any landscaping to be retained for a minimum of five years should be

- extended to indefinitely;
- The present fence is an eyesore and is very overpowering which has made our property dark inside.

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 17 (Achieving sustainable development);
 Paragraph 32 (Promoting sustainable transport);
 Paragraph 38 (Promoting sustainable transport);
 Paragraph 39 (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 64 (Requiring good design);
 Paragraph 73 (Promoting healthy communities);
 Paragraph 75 (Promoting healthy communities);
 Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
 Paragraph 109 (Conserving and enhancing the natural environment);
 Paragraph 118 (Conserving and enhancing the natural environment);
 Paragraph 120 (Conserving and enhancing the natural environment);
 Paragraph 123 (Conserving and enhancing the natural 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 S3 - Countryside;
 Policy E2 - Landscaped Amenity Open Space;
 Policy E3 - Residential Amenities;
 Policy E4 - Design;
 Policy E6 - Comprehensive Development;
 Policy E7 - Landscaping;
 Policy E8 - Crime Prevention;

Policy E21 - Separation of Settlements;
 Policy E30 - Floodplains;
 Policy F1 - General Policy;
 Policy F2 - Tree Planting;
 Policy F3 - Landscaping and Planting;
 Policy T3 - Highway Standards;
 Policy T8 - Parking;
 Policy T10 - Public Transport;
 Policy T13 - Cycle 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;
 Policy L22 - Formal Recreational Provision;

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in Favour of Sustainable Development;
 Policy S2 - Future Housing and Economic Development Needs;
 Policy S3 - Settlement Hierarchy;
 Policy S4 - Countryside;
 Policy S5 - Design of New Development;
 Policy H4 - Affordable Housing;
 Policy H6 - House Types and Mix;
 Policy IF1 - Development and Infrastructure;
 Policy IF2 - Community Facilities;
 Policy IF3 - Open Space, Sport and Recreation Facilities;
 Policy IF4 - Transport Infrastructure and New Development;
 Policy IF7 - Parking Provision and New Development;
 Policy En1 - Nature Conservation;
 Policy En3 - The National Forest;
 Policy En6 - Land and Air Quality;
 Policy Cc2 - Sustainable Design and Construction;
 Policy Cc3 - Water - Flood Risk;
 Policy Cc4 - Water - Sustainable Drainage Systems;
 Policy IM1 - Implementation and Monitoring of the Local Plan;

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;

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in Ibstock.

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

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;

Leicestershire County Council Statement of Requirement for Developer Contributions in Leicestershire

The County Council's Statement of Requirement for Developer Contributions in Leicestershire sets out the circumstances in which developer contributions will be required in respect of County and District service areas, as well as other public services, and the level of contributions required;

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;

National Forest Planting

Detailed National Forest planting guidelines are contained within the National Forest Strategy 2004 - 2014. For residential development on sites of more than 0.5 hectares, 20% of the development site area should be provided as woodland planting and landscaping, either on-site or near the development. The Strategy also provides that, in exceptional circumstances, if the planting guidelines cannot be met, a commuted sum should be paid, at a guideline rate of £10,000 per hectare of the gross development area;

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;

The Habitat Regulations

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs) and the key issues relating to protected species.

6. Assessment

The principle of the proposed development was assessed and found to be acceptable under application reference 12/00453/FULM, as well as application references 13/00813/VCUM, 14/00171/VCUM and 14/00648/VCIM, and as such does not need further consideration under this application. A Deed of Variation for the approved Section 106 Agreement would also not be required given that the level of contribution remains the same and a clause in the original agreement means that it remains valid under any subsequent permission granted on a Section 73 application. In these circumstances the only matters for consideration relate to whether the provision of additional landscaping and 1.8 metre high fencing to particular plots results in an adverse impacts to the amenities of residential properties and the visual amenities of the surrounding area and whether the proposed landscaping is appropriate.

Residential Amenity

It is considered that the properties most immediately affected by the proposed changes would be No. 83 Parkdale given that this property shares a direct boundary with the application site.

With regards to the planning history of the site it is noted that as part of application reference 12/00453/FULM, the original application which established the acceptance of residential development on the site, an illustrative landscape proposals plan was submitted which showed a proposed woodland block to the rear of Plots 186, 187, 188 and 189 which backed onto the aforementioned properties on Parkdale. The illustrative landscape proposals plan showed that such a woodland block would be landlocked by the relevant gardens of the individual plots and as part of the consideration of the application the Officer's report did not make reference to such landscaping being necessary to mitigate any impacts on the amenities of properties on Parkdale. Conditions were imposed for landscaping and boundary treatment schemes to be agreed but no conditions were imposed which limited the extent of the private gardens associated with the relevant plots.

Planning application reference 12/00453/FULM was subsequently amended by planning permission reference 13/00813/VCUM which introduced two-storey detached dwellings to Plots 185, 186, 187, 188 and 189, which were previously single storey. The distances achieved to the relevant boundaries with properties on Parkdale (23.0 metres to No. 83; 20.0 metres to No. 85; 18.0 metres to No. 87 and 18.0 metres to No. 89) was considered acceptable with there being over 30.0 metres between the elevations. In the assessment of this application the Officer's report stated that:-

"Whilst the Local Authority cannot guarantee that any landscaping provided would not be removed at a later date, given that the wording of the landscaping condition has not been applied to be varied, in the circumstances that the distances established would be considered acceptable a reason for refusal on overlooking grounds could not be justified in this instance. The approved plans for the previous application also did not define the boundaries of the relevant plots, and as such the landscaping could have been incorporated into the relevant residential gardens, and in terms of the provision of a 2.0 metre high boundary treatment it is considered that the existing land owner could install a 2.0 metre high fence to the boundaries of these properties as a form of permitted development (not requiring planning permission) which would have the same impact as any fence erected by any future tenant of the proposed properties. As such this potential impact would not justify a refusal of the application."

It is considered that the conclusions reached in the above paragraph are of particular relevance to this particular application and it is reiterated that fencing could be erected to the shared boundaries of the application site with existing properties without planning permission by either the original land owner or by any future occupant of one of the relevant plots. These circumstances would therefore make it very difficult to justify a view that the retention of the boundary fencing would result in oppressive impacts to the amenities of neighbouring properties on Parkdale.

In respect of the landscaping it is noted that tree planting is proposed within the rear gardens of the relevant plots which would soften the edge of the development, however, it is considered that it would not be essential for a 'woodland' block to be reintroduced given that the relevant distances between elevations and boundaries would be acceptable. On the basis that these distances are acceptable it would also be unreasonable to insist that the landscaping should be provided 'in perpetuity' given that it is not necessary to mitigate the implications of the development based on the above conclusion.

Overall, therefore, the development would remain compliant with Policy E3 of the Local Plan.

Design

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that although *"visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."* The site is also located within the National Forest and as such Policy F1 of the Local Plan would also be of relevance.

The agreed boundary treatment scheme ensured that appropriate treatments were presented on the main route through the development as well on routes which would be well used by pedestrians when accessing the public open space. The provision of the additional fencing, within the private amenity areas of the relevant plots, would not comprise the integrity of the overall design given that they would not be readily visible in views established from the public domain. The fencing would also be screened by an area of woodland between Nos. 55 and 83 Parkdale.

On this basis the proposal would respect the character and appearance of the surrounding area and would remain compliant with the aims of Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

Landscaping

The revised landscaping proposals for the relevant plots introduces additional planting of appropriate species and as such would ensure that the scheme maintains a National Forest identity with relevant landscaping being provided in critical visual areas of the development. As such the development maintains compliant with the aims of Policies E7, F1, F2 and F3 of the Local Plan.

Summary Reasons for Granting Planning Permission

The site has the benefit of permission for residential development and this has been implemented on the site.

It is considered that the provision of fencing to the boundaries of the relevant plots would not have sufficiently detrimental impact on the amenities of neighbouring properties given that such a boundary treatment could have been erected by the original owner or by any subsequent owner of one of the relevant plots without planning permission. It is also considered that landscaping is not necessary to mitigate any overlooking implications to existing residents, given the relative distances, but in any event tree planting would be provided within the rear garden of the plots which face towards properties on Parkdale. On this basis the development would accord with Policy E3 of the Local Plan.

Boundary treatments to be introduced would be within the rear amenity areas of the relevant plots and as such would not be readily visible from the public domain given that the fencing would be screened by a wooded area of open space between Nos. 55 and 93 Parkdale. In these circumstances the development remains compliant with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

It is also considered that the provision of additional tree planting would be acceptable and in

accordance with Policies E7, F1, F2 and F3 of the Local Plan.

It is therefore recommended that the application be permitted.

The proposed amendments will require alterations to conditions 3 and 22 to reflect the revised details.

RECOMMENDATION - PERMIT, subject to the following conditions and subject to no contrary observations by 29 October 2015.

- 1 The development shall be carried out in strict accordance with drawing numbers EMS.2249_07-1 (1:1250 - Site Location Plan), EL12-03 01 Revision B (Storm and Foul Water Drainage Strategy and 12038 Figure 4 Revision D (Preliminary Roundabout Access - Station Road), received by the Local Authority on the 16th May 2012, and drawing numbers EMS.2249_09-1 (Finished Floor Level Plan) excluding Plots 109-118, 150-155 and 176-183, EMS.2249_010 Revision B (Landscape Masterplan) and EMS.2249_13 Revision A (Illustrative Spine Road and Open Space Landscape Proposals), received by the Local Authority on the 5th September 2012, and drawing number EMS.2249_05-4 Revision G, received by the Local Authority on the 1st October 2012 and as agreed under application reference 12/00453/FULM, as well as the following drawings: -
 - PC0276_CP_001 (Contract Plan), received by the Local Authority on the 15th October 2013;
 - PC0276/RPP_001 (Layout Showing Re-Planned Plots), received by the Local Authority on the 15th October 2013;
 - SD-9-02 (1.8M Close Boarded Fence), received by the Local Authority on the 15th October 2013;
 - SD-9-03 (1.8M Screen Wall), received by the Local Authority on the 15th October 2013;
 - SD-9-04 (Proposed Boundary Detail - Decorative Screen Timber Fence Detail), received by the Local Authority on the 15th October 2013;
 - TIL/WKDG/100/08/02 Revision D (Tilton House Type), received by the Local Authority on the 15th October 2013;
 - WOR/WKDG/100/10/02 Revision G (Worcester House Type), received by the Local Authority on the 15th October 2013;
 - WAL/WKDG/100/22/02 Revision F (Walton House Type), received by the Local Authority on the 15th October 2013;
 - SOM/WKDG/100/26/02 Revision E (Somerby House Type), received by the Local Authority on the 15th October 2013;
 - LIC/WKDG/100/30/02 Revision D (Lichfield House Type), received by the Local Authority on the 15th October 2013;
 - BOS/WKDG/100/80/02 Revision C (Bosworth (with bays) House Type Floor Plans), received by the Local Authority on the 15th October 2013;
 - BOS/WKDG/100/80/03 Revision D (Bosworth House Type), received by the Local Authority on the 15th October 2013;
 - TWY/WKDG/100/74/02 Revision C (Twyford House Type), received by the Local Authority on the 15th October 2013;
 - CAD/WKDG/100/40/02 Revision G (Cadeby House Type Floor Plans), received by the Local Authority on the 15th October 2013;
 - CAD/WKDG/100/40/03 Revision E (Cadeby House Type), received by the Local Authority on the 15th October 2013;
 - ASH/WKDG/100/19/02 Revision D (Ashby House Type), received by the Local Authority on the 15th October 2013;

- PC0276_100_002 Revision E (Pisca Lane Re-Plan Plan 1), received by the Local Authority on the 23rd January 2014;
- PC0276_200_002_2 Revision D (Pisca Lane Re-Plan Plan 2), received by the Local Authority on the 23rd January 2014;
- PC0276_200_002_3 Revision D (Pisca Lane Re-Plan Plan 3), received by the Local Authority on the 23rd January 2014;
- PC0276_200_002_4 Revision D (Pisca Lane Re-Plan Plan 4), received by the Local Authority on the 23rd January 2014;
- TWY/WKDG/0276/74/12 (Twyford House Type - Plots 63 and 68), received by the Local Authority on the 4th February 2014;
- BUN/WKDG/0276/71/02 (Bungalow - Thornton House Type), received by the Local Authority on the 4th February 2014;
- SOM/WKDG/0276/69/12 (Somerby House Type - Plot 31), received by the Local Authority on the 4th February 2014;
- SMI/WKDG/0276/13/13 (Smithy House Type - Tax Windows to Plot 157), received by the Local Authority on the 4th February 2014;
- WIL/WKDG/0276/67/02 Revision A (Willesley House Type), received by the Local Authority on the 4th February 2014;
- ASH/WKDG/0276/19/13 Revision A (Ashby (Detached) House Type- Windows to Plot 122), received by the Local Authority on the 4th February 2014;
- LAU/WKDG/0276/72/02 Revision A (Laughton House Type - Tax Windows to Plots 3 and 48), received by the Local Authority on the 4th February 2014;
- SMI/WKDG/0276/13/02 Revision A (Smithy House Type - Tax Windows to Plots 163, 169 and 171), received by the Local Authority on the 4th February 2014;
- SMI/WKDG/0276/13/12 Revision A (Smithy House Type - Tax Windows to Plots 71 and 156), received by the Local Authority on the 5th February 2014;
- ELL-395-BWH-C-DT-00-71 (Finished Floor Levels Layout), received by the Local Authority on the 27th February 2015, relating to the finished floor levels for Plots 109-118, 150 - 155 and 176-183;
- IBS-MAT-02C (Materials Layout), received by the Local Authority on the 19th March 2015;
- IBS-FEN-02B (Boundary Treatments Layout), received by the Local Authority on the 30th July 2015;

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

- 2 The external materials to be used in the development, hereby permitted, shall be in strict accordance with those specified on drawing number PC0276_100_001/1 Revision B (excluding Plots 109 -118, 150-155 and 176-183) along with the use of OSMA RoundLine PVC-U rainwater goods, Birtley GPR doors (coloured as specified on drawing number PC0276_100_001/1 Revision B), eaves and verge details in accordance with drawing number SD-7-08, received by the Local Authority on the 6th February 2014, White Upvc windows, GRP Porches with Tiled Roofs and Slate Blue Engineering Brick Cills and Headers and Stone Cills to Bay Windows as discharged under application reference 12/00453/FULM. The external materials for Plots 109-118, 150-155 and 176-183 shall be in strict accordance with those specified on drawing number IBS-MAT-02C, received by the Local Authority on the 19th March 2015. All other external materials (including the position of utility boxes) shall be strict accordance with those shown on the approved dwelling plans specified in Condition 2 above.

Reason - to ensure a satisfactory development and in accordance with Policy E4 of the adopted North West Leicestershire Local Plan.

- 3 The landscaping of the site, excluding Plots 176 and 177, shall be in strict accordance with the information shown on drawing numbers JBA 11/347-01 Revision C, JBA 11/347-02 Revision C, JBA 11/347-03 Revision C, JBA 11/347-04 Revision C, JBA 11/347-05 Revision D, JBA 11/347-06 Revision D and JBA 11/347/07 Revision D, received by the Local Authority on the 17th January 2014, and as discharged under application reference 12/00453/FULM. The landscaping for Plots 176 and 177 shall be provided in strict accordance with that shown on drawing number GL0363 01C, received by the Local Authority on the 30th July 2015. All soft landscaping shown on the approved plans shall be carried out in the first planting and seeding season following the first occupation/use of the dwellings unless an alternative implementation programme is first agreed in writing by the Local Planning Authority with the hard landscaping schemes being provided in full prior to first occupation of any dwellings unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a five year period from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason - to ensure the satisfactory overall appearance of the completed development within the National Forest area and in accordance with Policies E4, F1 and F3 of the adopted North West Leicestershire Local Plan.

- 4 The play equipment to be provided on the site shall be in strict accordance with the information shown on drawing numbers JBA 11/347-03 Revision C and JBA 11/347-05 Revision D, received by the Local Authority on the 17th January 2014, and as discharged under application reference 12/00453/FULM. The play equipment shall be provided prior to the first occupation/use of the eightieth dwelling on the site, unless an alternative timeframe is first agreed in writing with the Local Planning Authority, and once provided the play equipment shall thereafter be retained in situ at all times.

Reason - to ensure the satisfactory provision of children's play facilities and in accordance with Policy L21 of the adopted North West Leicestershire Local Plan.

- 5 The lighting scheme to be provided on the site shall be in strict accordance with the information shown on drawing number LTG 8433 and within the document by Advanced LEDS Ltd, received by the Local Authority on the 20th June 2014, and as discharged under application reference 14/00171/VCUM. The lighting scheme shall now be implemented in accordance with the approved scheme and once provided the lighting scheme shall thereafter be retained in situ at all times.

Reason - to preserve the amenities of the locality; in the interests of residential amenities; in the interests of highway and pedestrian safety and in accordance with Policies E3 and E4 of the adopted North West Leicestershire Local Plan.

- 6 The surface water drainage scheme for the site shall be provided in strict accordance with the details specified on drawing numbers on 110 Revision B (Storm and Foul Water Drainage General Arrangement); 113 (Surface Water Balancing Pond General Arrangement); 116 Revision B (Highway and Drainage Longitudinal Sections Roads 1, 2 & 3 (Sheet 1 of 2)); 117 Revision A (Highways & Drainage Longitudinal Sections 4 & 5 (Sheet 2 of 2)); 120 (Private Drainage and External Works (1 of 5)); 121 (Private Drainage and External Works (2 of 5)); 122 (Private Drainage and External Works (3 of

5)); 123 (Private Drainage and External Works (4 of 5)) and 124 (Private Drainage and External Works (5 of 5)), received by the Local Authority on the 24th September 2013, along with the information contained within the letter from Jack McCallum of Severn Trent Water (Ref: 00008112150) of the 13th November 2013, received by the Local Authority on the 21st November 2013, and as discharged under application reference 12/00453/FULM. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason - to prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity in accordance with Policy E30 of the adopted North West Leicestershire Local Plan.

- 7 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision D, dated 15th May 2012, Ref 2012/930 and the following mitigation measures detailed within the FRA:
1. Limiting the surface water run-off generated by all rainfall events up to 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. Section 4.0
 2. Finished floor levels are set no lower than 100mm above adjacent finished highway levels to Ordnance Datum (AOD). Section 5.0
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason - to prevent flooding by ensuring the satisfactory storage of disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

- 8 The development hereby permitted shall be undertaken in strict accordance with the mitigation measures outlined in site specific Ecological Survey - James Blake Associates (April 2012).

Reason - to ensure that the development delivers its mitigation in regard to the effects that it will create and deliver a valuable biodiversity net gain to the area.

- 9 Unless first agreed in writing by the Local Planning Authority, no site clearance operations that involve the destruction or removal of vegetation on the site shall be undertaken during the months of March to August (inclusive).

Reason - to ensure breeding birds are not adversely affected, in the interests of nature conservation.

- 10 No works to trees within the site shall be undertaken at any time unless, within a period not more than one month prior to the works, the trees have been surveyed by a suitably qualified individual, and have been found to have no bats present.

Reason - in the interests of nature conservation.

- 11 Bird and bat boxes will be provided in the positions identified on drawing numbers JBA 11/347-01 Revision E, JBA 11/347-02 Revision E, JBA 11/347-03 Revision E, JBA

11/347-04 Revision E, JBA 11/347-05 Revision F, 11/347-06 Revision F and JBA 11/347-07 Revision F, received by the Local Authority on the 20th June 2014, and as discharged under application reference 14/00171/VCUM. The scheme shall now be implemented in accordance with the approved scheme prior to the completion of the development.

Reason - in the interests of nature conservation, and to comply with Policy 26 of the East Midlands Regional Plan.

- 12 The development of the site shall be carried out in strict accordance with the recommendations of the Rodgers Leask Environmental Geo-Environmental Assessment for Ashby Road, Ibstock (Phase 2) dated 28th September 2012 (E11/115), received by the Local Authority on the 26th November 2013, and as discharged under application reference 12/00453/FULM. If during the course of the development unidentified contamination is discovered development must be halted on that part of the site, it must be reported in writing within 10 working days to the Local Planning Authority and a risk assessment for that contamination (to include any required amendments to the remediation scheme and Verification Plan) must be submitted and approved in writing prior to the recommencement of development of that part of the site. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason - to provide for mitigation of any land contamination.

- 13 Before occupation of any part of the completed development, a verification investigation shall be undertaken inline with the agreed Verification Plan for any works outlined in the Remedial Scheme, agreed under Condition 13, relevant to either the whole development or that part of the development which is to be undertaken. The report showing the findings of the verification investigation shall be submitted to, and approved by, the Local Planning Authority. The verification report should:
- 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 of all materials taken to and from the site an/or a copy of the completed site waste management plan if one was requested;
 - Contain test certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved remedial scheme;
 - Include a statement signed by the developer or the approved agent, confirming that all works specified in the Remediation Scheme have been completed.
- Should no previously unidentified contamination be discovered during the ground works of the development then a statement from the developer or approved agent to this effect should be submitted to the Local Planning Authority for approval in writing.

Reason - to provide for mitigation of any land contamination.

- 14 None of the dwellings hereby permitted shall be occupied until such time as the off-site highway works at the junction of Ashby Road and Melbourne Road, being the improvement of pedestrian crossing facilities, new domed central islands and changes to kerblines, as shown on Travis Baker drawing no. 12038-1 Rev B have been completed.

Reason - to improve pedestrian access to the site and capacity of the junction.

- 15 No more than 25 dwellings shall be occupied until such time as the off-site highway works at the Co-Op roundabout at the junction of Ashby Road and Leicester Road, being the improvement of pedestrian crossing facilities, and changes to kerblines, as shown on Travis Baker drawing no 12038-2 have been completed.

Reason - to improve pedestrian access from the site to services in Ibstock.

- 16 No more than 50 dwellings shall be occupied until such time as the off-site highway works at the new junction for the development onto Station Road, being a mini-roundabout and gateway feature, as shown on Travis Baker drawing no. 12038-Fig 4 Rev D have been completed.

Reason - to provide a suitable access to the site.

- 17 Vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the highway. The wheel washing facilities provided shall be so maintained for the operational period of the development hereby permitted.

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

- 18 For the period of construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

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

- 19 The development shall be carried out in strict accordance with the Residential Travel Plan produced by Travis Barker on the 9th January 2014, and submitted to the Local Authority on the 15th January 2014, as discharged under application reference 12/00453/FULM.

Reason - to ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from site.

- 20 The 101st dwelling constructed as part of the development shall not be occupied until such time as footpath Q69 has been provided along the route shown by a broken black line on the plan provided by Leicestershire County Council and appended to the decision notice for application reference 12/00453/FULM.

Reason - to ensure the preservation of an existing Public Right of Way.

- 21 The directional signage for the public footpaths network shall be provided in strict accordance with the drawing titled Public Footpath Sign (Leicestershire), received by the Local Authority on the 18th November 2014, and in the position shown on drawing number PC0276_FD_001, received by the Local Authority on the 7th November 2014, to a height of 2.2 metres as discharged under application reference 14/00171/VCUM. The

signage shall now be provided before the occupation/use of the 101st dwelling on the site and shall thereafter be so retained.

Reason - in the interests of providing robust pedestrian connectivity to the wider public footpath network.

- 22 The boundary treatments scheme on the site, excluding Plots 109-118, 150-155 and 176-183, shall be provided in strict accordance with that specified on drawing numbers EMS.2249_16 (Illustrative Layout (Sheet 1 of 4)), EMS.2249_17 (Illustrative Layout (Sheet 2 of 4)), EMS.2249_18 (Illustrative Layout (Sheet 3 of 4)) and EMS.2249_19 (Illustrative Layout (Sheet 4 of 4)) as well as in accordance with the details shown on drawing numbers SD-9-02 (1.8M Close Boarded Fence); SD-9-03 (1.8M Screen Wall) and SD-9-04 (Proposed Boundary Detail - Decorative Screen Timber Fence Detail), received by the Local Authority on the 24th September 2013, and as discharged under application reference 12/00453/FULM. The boundary treatments for Plots 109-118, 150-155 and 176-183 shall be provided in strict accordance with those specified on drawing number IBS-FEN-02B, received by the Local Authority on the 30th July 2015. 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 (as amended) (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 and to ensure an appropriate form of design.

- 23 The bin storage areas for the dwellings shall be provided in strict accordance with the information shown on drawing number PC0276_200_005, received by the Local Authority on the 18th November 2014, and as discharged under application reference 14/00171/VCUM. The development shall now be carried out in accordance with the approved scheme.

Reason - to ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity and 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 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 Prior to any works associated with the surfacing of the footpath being carried out, the County Council's approval should be obtained to the specification for this purpose. The Company should contact the Rights of Way Inspector for the area, Mr A. Perry, who is based at the Northern Area Highways Office, Mountsorrel (Telephone No. 0116 305 0001). The Developers will otherwise be responsible for ensuring that the legal line of footpath Q69 is not affected by any operations associated with the development, and

- that free access can be exercised safely by pedestrians at all times. Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction works, and whether appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the footpath, particular attention should be given to ensuring that no materials are stored on the line of the right of way and that no Contractor's vehicles are parked either along or across it.
- 3 Any damage that may be caused to the surface of the footpath while the development is being carried out will be the responsibility of the Developers to repair at their own expense, to the satisfaction of the Highway Authority.
 - 4 The Developers should also be advised that no additional structures either of a temporary or a permanent nature should be placed across the route of footpath Q69 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 Pegasus Urban Design layout plan no EMS.2249_05-4 Rev D is generally acceptable to the highway authority, however the following concerns need to be resolved should the applicant seek to have the roads adopted:
 - The internal dimensions of the garages need to be clarified;
 - More information needs to be provided about the carports over drives to determine whether they are wide enough to accommodate vehicles and whether they will be gated;
 - Provide tracking to ensure cars can turn out of parking area for Plot 113;
 - Trees and grassed areas not required for the highway (but proposed to form part of the adopted highway) will attract a commuted sum;
 - Speed tables need to finish well clear of drives e.g. Plot 34;
 - The speed reducing chicane feature will need to be designed to accommodate buses
 - Gates need to be set back five metres to allow parking in front of them without overhanging the highway e.g. Plots 61/62;
 - The footpath on the east side linking to footpath Q69 will be adopted (and needs to be tarmaced and lit as it provides a route to school and the village centre).
 - 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.
 - 7 Public footpath Q69 crosses the site and will need to be diverted to accommodate the proposed layout of the development. This cannot be carried out without obtaining separate consent from Leicestershire County Council.
 - 8 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.
 - 9 The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plan shall be submitted and approved in writing by the Highways Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
 - 10 If you intend to provide temporary directional signage to your proposed development, you must ensure that prior approval is obtained from the County Council's Highway

- Manager for the size, design and location of any sign in the highway. It is likely that any sign erected in the Highway without prior approval will be removed. Before you draw up a scheme, the Highways Managers' staff (tel: 0116 3050001) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work.
- 11 In relation to Condition 21, in the interests of the desirability, safety and security of pedestrians using the route, the footpath should comprise a minimum surfaced width of 2.0 metres, together with grass borders of at least one metre along either side, in accordance with the County Council's Guidance Notes for Developers which are incorporated within Part 3, Section DG7 of the 6Cs Design Guide. The application of these criteria should ensure that the path does not appear narrow and unattractive to users, but retains a more open aspect instead. If this will not be practicable, the Applicant will need to apply to the District Council for the making of an Order in respect of the official diversion of the footpath, before any development directly affecting its existing line is commenced.
- 12 The Council has previously advised that it is keen to secure low vehicle speeds throughout the development. The applicant has advised that the absence of white lining will be one of the measures used to keep vehicle speeds low. The Council has advised that it wishes to see this approach taken forward through to detailed design but has also advised that this will require close co-operation with the Highways Authority that has previously advised that such an approach would need to be supported by a safety audit.
- 13 In relation to Condition 6, the Local Planning Authority expects the following:
- All pedestrian paths within the development including through areas of public open space to be illuminated by mains powered lighting;
 - The applicant is advised that in accordance with the Forest inspired ethos of the development the lighting unit should seek to feature a timber element.
- 14 In relation to Condition 24, the Local Planning Authority expects the following:
- The Council requires 1.25sq/m per unit for bin collection points. The bin collection points should be surfaced with a block material and demarcated as such by a metal plate affixed to the surface reading 'Waste and Recycling Collection Point.'
 - In relation to covered bin stores the Council requires 2.11 sqm per unit.

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Variations of conditions 3 and 22 of 15/00018/VCIM to introduce additional boundary treatments to plots 185,186,187,188,189 and 191 as well as landscaping revisions

Report Item No
A3

Land To The Rear Of Parkdale Ashby Road Ibstock Leicestershire

Application Reference
15/00701/VCIM

Applicant:
Mr Kevin Scott

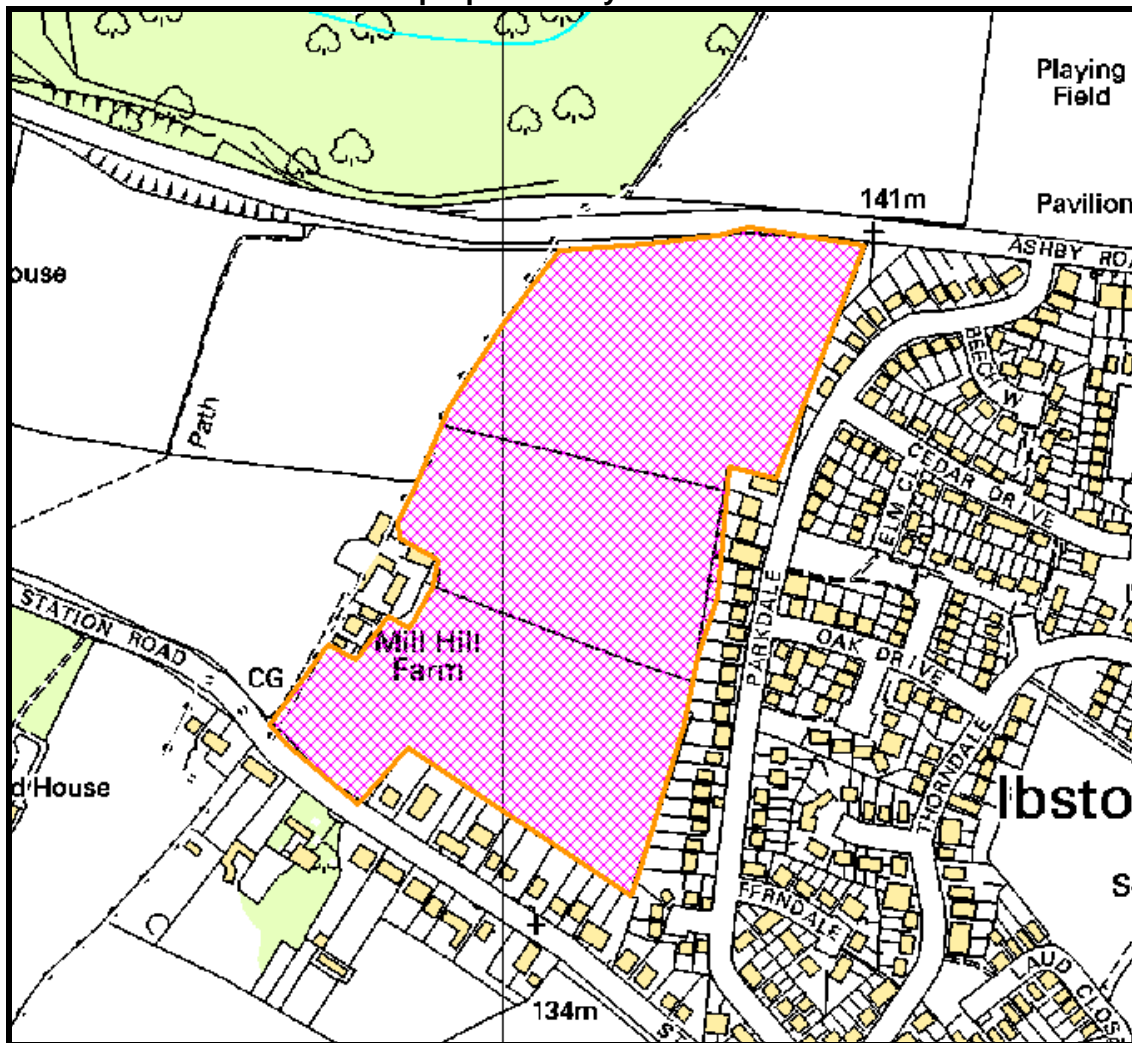
Date Registered
30 July 2015

Case Officer:
Adam Mellor

Target Decision Date
29 October 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 at the request of Councillor Clarke as the work has already began on the variation which has not received permission and is to the detriment of residents of Parkdale.

Proposal

Permission is sought for the variation of Conditions 3 and 22 of 15/00018/VCIM to introduce additional boundary treatments and landscaping to plots 185 - 191 on the Bellway Homes development to the west of Parkdale and south of Ashby Road, Ibstock. It is noted that the boundary treatments are already in situ on the site.

Consultations

Five no. representations from the occupants of properties on Parkdale objecting to the application as well as an objection from Ibstock Parish Council have been received.

Planning Policy

It is considered that the development would remain compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the current, and draft emerging, North West Leicestershire Local Plan and other guidance.

Conclusion

The site has the benefit of permission for residential development and this has been implemented on the site.

It is considered that the provision of fencing to the rear boundaries of the relevant plots would not have sufficiently detrimental impact on the amenities of neighbouring properties given that such a boundary treatment could have been erected by the original landowner or by any subsequent owner of one of the relevant plots without planning permission. It is also considered that landscaping is not necessary to mitigate any overlooking implications to existing residents, given the relative distances, but in any event tree planting would be provided within the rear garden of the plots which face towards properties on Parkdale. On this basis the development would accord with Policy E3 of the Local Plan.

Boundary treatments to be introduced would be within the rear amenity areas of the relevant plots and as such would not be readily visible from the public domain given that the fencing is also presented to existing residential properties on Parkdale. In these circumstances the development remains compliant with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

It is also considered that the provision of additional tree planting would be acceptable and in accordance with Policies E7, F1, F2 and F3 of the Local Plan.

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 recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is an application under Section 73 of the Town and Country Planning Act 1990 to "vary" conditions 3 and 22 of planning permission 15/00018/VCIM which was approved on the 8th April 2015. Section 73 relates to development of land without complying with conditions subject to which a previous planning permission was granted. The Council, in considering this application, is only entitled to consider the question of the conditions subject to which planning permission should be granted.

Condition 3 of 15/00018/VCIM related to the proposed landscaping for the site with Condition 22 relating to the proposed boundary treatments.

The variation to condition 22 is proposed as 1.8 metre high close board timber fencing has been erected to the south-eastern (rear) boundaries of Plots 185 - 191 which fronts towards the boundaries of Nos. 83, 85, 87 and 89 Parkdale. The approved boundary treatment plan did not show this fencing, and as such the application is retrospective, with the applicant stating the works are required as *"the current boundary treatment consists of part hedge and part 1.0 metre high fencing which we believe requires additional screening to provide adequate privacy and security to all parties."*

Condition 3 is proposed to be amended in order to provide additional landscaping within the rear garden areas of Plots 185 - 189 in close proximity to the boundaries with Nos. 83, 85, 87 and 89 Parkdale.

Following a visit to the properties on Parkdale it was ascertained that the submitted plan showing the position of the fence is incorrect given that that fencing has been constructed closer to the shared boundaries than is as shown on the submitted plan. It has therefore been requested from the applicants that an amended plan be submitted which is accurate.

The planning history of the site is as follows: -

- 12/00453/FULM - Application for the erection of 191 residential units, structural landscaping, open space provision and access roads - Approved 22nd August 2013;
- 13/00813/VCUM - Variation of 191 house types and ancillary buildings to those approved under application reference 12/00453/FULM - Approved 23rd April 2014;
- 14/00171/VCUM - Variation of Condition 21 of planning application 12/00453/FULM to allow the public footpath to be provided before occupation of the 101st dwelling on the site - Approved 16th June 2014;
- 14/00648/VCIM - Variation of condition 17 of 14/00171/VCUM to allow the off-site highways work at the new junction for the development on station road to being a mini - roundabout to be provided on the occupation of the 101st dwelling - Approved 2nd December 2014;
- 15/00004/FULM - Erection of 21 no. dwellings including variations to approved plots 1, 2, 41, 42, 43, 44, 45, 46, 47, 50, 51, 52, 53, 54, 55, 56, 64 and 65 and introduction of plots 192, 193, 194, 195, 196 and 197 - Approved 30th July 2015;
- 15/00019/VCIM - Variation of conditions 2, 3 and 23 of 14/00648/VCIM to alter external materials, boundary treatments and house type floor levels to plots 109-118, 150-155 and 176-183 - Approved 9th April 2015;
- 15/00026/NMA - Proposed alterations to external elevations on approved plots 3-10, 15-49, 57-63 and 66-100 (non-material amendment) - Approved 5th February 2015.

2. Publicity

18 Neighbours have been notified (Date of last notification 31 July 2015)

Site Notice displayed 12 August 2015

Press Notice published 5 August 2015

3. Consultations

Ibstock Parish Council consulted 30 July 2015

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.

Ibstock Parish Council vehemently oppose the application and comment that:-

"Bellway homes have trodden on existing residents during the whole process of building in Ibstock. They submitted applications, took on board comments, revised applications to get them passed and supported, then applied for variations all along the process.

The original plans took into account residents concerns, boundaries, comments, were amended and then passed, however, they have YET AGAIN built and erected off plan. To resolve this they submit retrospective variations AGAIN! This is not acceptable and makes a mockery of the whole planning process and reinforces our concerns about the current planning systems."

Third Party Representations

Five no. representations have been received from the occupants of Nos. 83, 85 (x3) and 87 Parkdale have been received objecting to the application and whose comments can be summarised as follows: -

- The plans have changed from single storey bungalows to four bedroom detached houses, putting our faith in the planning department that the original area of separation land between our properties and Bellway Homes new properties would be adhered to, but now the fence Bellway Homes erected half a metre from our existing boundary fences, we understand that the mature trees separating the said properties are going to be included into the gardens of the new houses;
- We three properties will not be able to go into our own gardens without being overlooked from the new properties, at least if we had the separation area with mature trees it would have shielded the properties;
- The original separation area should be adhered to;
- The erected fence is 2.5 metres from dining room windows and whilst the fence is proposed to be 1.8 metres the alterations to the ground levels mean that the height of the fence is 2.04 metres;
- The original plan to incorporate a 5 metre planted separation buffer should be reintroduced incorporating a quality fence and retaining our original fencing as this would be the most logical solution;
- The condition for any landscaping to be retained for a minimum of five years should be extended to indefinitely;
- The present fence is an eyesore and is very overpowering which has made our property dark inside;
- The fence has been erected the wrong way round;
- The strip of land between the fences will become a 'no mans land' where weeds will

- grow and who will be responsible for its maintenance;
- If a gap is to exist between our fencing and their fencing then the strip of land should be given to the occupants of Nos. 83, 85 and 87 Parkdale.

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 17 (Achieving sustainable development);
 Paragraph 32 (Promoting sustainable transport);
 Paragraph 38 (Promoting sustainable transport);
 Paragraph 39 (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 64 (Requiring good design);
 Paragraph 73 (Promoting healthy communities);
 Paragraph 75 (Promoting healthy communities);
 Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
 Paragraph 109 (Conserving and enhancing the natural environment);
 Paragraph 118 (Conserving and enhancing the natural environment);
 Paragraph 120 (Conserving and enhancing the natural environment);
 Paragraph 123 (Conserving and enhancing the natural 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 S3 - Countryside;
 Policy E2 - Landscaped Amenity Open Space;
 Policy E3 - Residential Amenities;
 Policy E4 - Design;
 Policy E6 - Comprehensive Development;
 Policy E7 - Landscaping;
 Policy E8 - Crime Prevention;

Policy E21 - Separation of Settlements;
 Policy E30 - Floodplains;
 Policy F1 - General Policy;
 Policy F2 - Tree Planting;
 Policy F3 - Landscaping and Planting;
 Policy T3 - Highway Standards;
 Policy T8 - Parking;
 Policy T10 - Public Transport;
 Policy T13 - Cycle 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;
 Policy L22 - Formal Recreational Provision;

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in Favour of Sustainable Development;
 Policy S2 - Future Housing and Economic Development Needs;
 Policy S3 - Settlement Hierarchy;
 Policy S4 - Countryside;
 Policy S5 - Design of New Development;
 Policy H4 - Affordable Housing;
 Policy H6 - House Types and Mix;
 Policy IF1 - Development and Infrastructure;
 Policy IF2 - Community Facilities;
 Policy IF3 - Open Space, Sport and Recreation Facilities;
 Policy IF4 - Transport Infrastructure and New Development;
 Policy IF7 - Parking Provision and New Development;
 Policy En1 - Nature Conservation;
 Policy En3 - The National Forest;
 Policy En6 - Land and Air Quality;
 Policy Cc2 - Sustainable Design and Construction;
 Policy Cc3 - Water - Flood Risk;
 Policy Cc4 - Water - Sustainable Drainage Systems;
 Policy IM1 - Implementation and Monitoring of the Local Plan;

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;

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in Ibstock.

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

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;

Leicestershire County Council Statement of Requirement for Developer Contributions in Leicestershire

The County Council's Statement of Requirement for Developer Contributions in Leicestershire sets out the circumstances in which developer contributions will be required in respect of County and District service areas, as well as other public services, and the level of contributions required;

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;

National Forest Planting

Detailed National Forest planting guidelines are contained within the National Forest Strategy 2004 - 2014. For residential development on sites of more than 0.5 hectares, 20% of the development site area should be provided as woodland planting and landscaping, either on-site or near the development. The Strategy also provides that, in exceptional circumstances, if the planting guidelines cannot be met, a commuted sum should be paid, at a guideline rate of £10,000 per hectare of the gross development area;

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;

The Habitat Regulations

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs) and the key issues relating to protected species.

6. Assessment

The principle of the proposed development was assessed and found to be acceptable under application reference 12/00453/FULM, as well as application references 13/00813/VCUM, 14/00171/VCUM and 14/00648/VCIM, and as such does not need further consideration under this application. A Deed of Variation for the approved Section 106 Agreement would also not be required given that the level of contribution remains the same and a clause in the original agreement means that it remains valid under any subsequent permission granted on a Section 73 application. In these circumstances the only matters for consideration relate to whether the provision of additional landscaping and 1.8 metre high fencing to particular plots results in an adverse impact to the amenities of residential properties and the visual amenities of the surrounding area and whether the proposed landscaping is appropriate.

Residential Amenity

It is considered that the properties most immediately affected by the proposed changes would be Nos. 83, 85, 87 and 89 Parkdale given that they share a direct boundary with the application site.

With regards to the planning history of the site it is noted that as part of application reference 12/00453/FULM, the original application which established the acceptance of residential development on the site, an illustrative landscape proposals plan was submitted which showed a proposed woodland block to the rear of Plots 186, 187, 188 and 189 which backed onto the aforementioned properties on Parkdale. The illustrative landscape proposals plan showed that such a woodland block would be landlocked by the relevant gardens of the individual plots and as part of the consideration of the application the Officer's report did not make reference to such landscaping being necessary to mitigate any impacts on the amenities of properties on Parkdale. Conditions were imposed for landscaping and boundary treatment schemes to be agreed but no conditions were imposed which limited the extent of the private gardens associated with the relevant plots.

Planning application reference 12/00453/FULM was subsequently amended by planning permission reference 13/00813/VCUM which introduced two-storey detached dwellings to Plots 185, 186, 187, 188 and 189, which were previously single storey. The distances achieved to the relevant boundaries with properties on Parkdale (23.0 metres to No. 83; 20.0 metres to No. 85; 18.0 metres to No. 87 and 18.0 metres to No. 89) was considered acceptable with there being over 30.0 metres between the elevations. In the assessment of this application the Officer's report stated that:-

"Whilst the Local Authority cannot guarantee that any landscaping provided would not be removed at a later date, given that the wording of the landscaping condition has not been applied to be varied, in the circumstances that the distances established would be considered acceptable a reason for refusal on overlooking grounds could not be justified in this instance. The approved plans for the previous application also did not define the boundaries of the relevant plots, and as such the landscaping could have been incorporated into the relevant residential gardens, and in terms of the provision of a 2.0 metre high boundary treatment it is considered that the existing land owner could install a 2.0 metre high fence to the boundaries of these properties as a form of permitted development (not requiring planning permission) which would have the same impact as any fence erected by any future tenant of the proposed properties. As such this potential impact would not justify a refusal of the application."

It is considered that the conclusions reached in the above paragraph are of particular relevance to this particular application and it is reiterated that fencing could be erected to the shared boundaries of the application site with existing properties without planning permission by either the original land owner or by any future occupant of one of the relevant plots. These circumstances would therefore make it very difficult to justify a view that the retention of the boundary fencing would result in oppressive impacts to the amenities of neighbouring properties on Parkdale.

In respect of the landscaping it is noted that tree planting is proposed within the rear gardens of the relevant plots which would soften the edge of the development, however, it is considered that it would not be essential for a 'woodland' block to be reintroduced given that the relevant distances between elevations and boundaries would be acceptable. On the basis that these distances are acceptable it would also be unreasonable to insist that the landscaping should be provided 'in perpetuity' given that it is not necessary to mitigate the implications of the

development based on the above conclusion.

Overall, therefore, the development would remain compliant with Policy E3 of the Local Plan.

Design

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that although *"visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."* The site is also located within the National Forest and as such Policy F1 of the Local Plan would also be of relevance.

The agreed boundary treatment scheme ensured that appropriate treatments were presented on the main route through the development as well on routes which would be well used by pedestrians when accessing the public open space. The provision of the additional fencing, within the private amenity areas of the relevant plots, would not compromise the integrity of the overall design given that they would not be readily visible in views established from the public domain. The fencing would also be screened by the properties on Parkdale.

In respect of the comments raised relating to the 'quality' of the fencing it is considered that in the circumstances a fence of a similar, or worse, quality could have been erected as a form of permitted development by the landowner originally, or by any subsequent owner of one of the dwellings, it is considered that a reason for refusal on this basis could not be substantiated. Planning legislation would also not be able to control the 'orientation' of any fencing so as to prevent the 'bad side' of a fence being presented to existing residents.

On this basis the proposal would respect the character and appearance of the surrounding area and would remain compliant with the aims of Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

Landscaping

The revised landscaping proposals for the relevant plots introduces additional planting of appropriate species and as such would ensure that the scheme maintains a National Forest identity with relevant landscaping being provided in critical visual areas of the development. As such the development maintains compliant with the aims of Policies E7, F1, F2 and F3 of the Local Plan.

Other Matters

Clarification has been sought from the applicants as to the ownership of the land which would remain between the boundary treatments to the plots and properties on Parkdale as should this land become 'untidy' in the future then it would be the responsibility of the site owner to tidy up such land should it ever need to be investigated under Section 215 of the Town and Country Planning Act 1990 (as amended).

With regards to the potential occupants of Nos. 83, 85 and 87 Parkdale being in a position to purchase the area of land between their existing boundaries and the current boundary of the relevant plots it is considered that this would be a discussion which would need to take place independently of the planning application given that it relates to land ownership issues. It is, however, noted that should the land be purchased by the occupants of properties on Parkdale for use as additional residential garden then it would be necessary for them to apply for a

change of use of the land given that it is not presently residential garden land.

Summary Reasons for Granting Planning Permission

The site has the benefit of permission for residential development and this has been implemented on the site.

It is considered that the provision of fencing to the rear boundaries of the relevant plots would not have sufficiently detrimental impact on the amenities of neighbouring properties given that such a boundary treatment could have been erected by the original owner or by any subsequent owner of one of the relevant plots without planning permission. It is also considered that landscaping is not necessary to mitigate any overlooking implications to existing residents, given the relative distances, but in any event tree planting would be provided within the rear garden of the plots which face towards properties on Parkdale. On this basis the development would accord with Policy E3 of the Local Plan.

Boundary treatments to be introduced would be within the rear amenity areas of the relevant plots and as such would not be readily visible from the public domain given that the fencing is also presented to existing residential properties on Parkdale. In these circumstances the development remains compliant with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

It is also considered that the provision of additional tree planting would be acceptable and in accordance with Policies E7, F1, F2 and F3 of the Local Plan.

It is therefore recommended that the application be permitted.

The proposed amendments will require alterations to conditions 3 and 22 to reflect the revised details.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 The development shall be carried out in strict accordance with drawing numbers EMS.2249_07-1 (1:1250 - Site Location Plan), EL12-03 01 Revision B (Storm and Foul Water Drainage Strategy and 12038 Figure 4 Revision D (Preliminary Roundabout Access - Station Road), received by the Local Authority on the 16th May 2012, and drawing numbers EMS.2249_09-1 (Finished Floor Level Plan) excluding Plots 101-191, EMS.2249_010 Revision B (Landscape Masterplan) and EMS.2249_13 Revision A (Illustrative Spine Road and Open Space Landscape Proposals), received by the Local Authority on the 5th September 2012, and drawing number EMS.2249_05-4 Revision G, received by the Local Authority on the 1st October 2012 and as agreed under application reference 12/00453/FULM, as well as the following drawings: -
 - PC0276_CP_001 (Contract Plan), received by the Local Authority on the 15th October 2013;
 - PC0276/RPP_001 (Layout Showing Re-Planned Plots), received by the Local Authority on the 15th October 2013;
 - SD-9-02 (1.8M Close Boarded Fence), received by the Local Authority on the 15th October 2013;
 - SD-9-03 (1.8M Screen Wall), received by the Local Authority on the 15th October 2013;
 - SD-9-04 (Proposed Boundary Detail - Decorative Screen Timber Fence Detail), received by the Local Authority on the 15th October 2013;
 - TIL/WKDG/100/08/02 Revision D (Tilton House Type), received by the Local Authority

- on the 15th October 2013;
- WOR/WKDG/100/10/02 Revision G (Worcester House Type), received by the Local Authority on the 15th October 2013;
- WAL/WKDG/100/22/02 Revision F (Walton House Type), received by the Local Authority on the 15th October 2013;
- SOM/WKDG/100/26/02 Revision E (Somerby House Type), received by the Local Authority on the 15th October 2013;
- LIC/WKDG/100/30/02 Revision D (Lichfield House Type), received by the Local Authority on the 15th October 2013;
- BOS/WKDG/100/80/02 Revision C (Bosworth (with bays) House Type Floor Plans), received by the Local Authority on the 15th October 2013;
- BOS/WKDG/100/80/03 Revision D (Bosworth House Type), received by the Local Authority on the 15th October 2013;
- TWY/WKDG/100/74/02 Revision C (Twyford House Type), received by the Local Authority on the 15th October 2013;
- CAD/WKDG/100/40/02 Revision G (Cadeby House Type Floor Plans), received by the Local Authority on the 15th October 2013;
- CAD/WKDG/100/40/03 Revision E (Cadeby House Type), received by the Local Authority on the 15th October 2013;
- ASH/WKDG/100/19/02 Revision D (Ashby House Type), received by the Local Authority on the 15th October 2013;
- PC0276-200_002 Revision E (Pisca Lane Re-Plan Plan 1), received by the Local Authority on the 23rd January 2014;
- PC0276_200_002_2 Revision D (Pisca Lane Re-Plan Plan 2), received by the Local Authority on the 23rd January 2014;
- PC0276_200_002_3 Revision D (Pisca Lane Re-Plan Plan 3), received by the Local Authority on the 23rd January 2014;
- PC0276_200_002_4 Revision D (Pisca Lane Re-Plan Plan 4), received by the Local Authority on the 23rd January 2014;
- TWY/WKDG/0276/74/12 (Twyford House Type - Plots 63 and 68), received by the Local Authority on the 4th February 2014;
- BUN/WKDG/0276/71/02 (Bungalow - Thornton House Type), received by the Local Authority on the 4th February 2014;
- SOM/WKDG/0276/69/12 (Somerby House Type - Plot 31), received by the Local Authority on the 4th February 2014;
- WIL/WKDG/0276/67/02 Revision A (Willesley House Type), received by the Local Authority on the 4th February 2014;
- LAU/WKDG/0276/72/02 Revision A (Laughton House Type - Tax Windows to Plots 3 and 48), received by the Local Authority on the 4th February 2014;
- SMI/WKDG/0276/13/12 Revision A (Smithy House Type - Tax Windows to Plots 71 and 156), received by the Local Authority on the 5th February 2014;
- ELL-395-BWH-C-DT-00-71 (Finished Floor Levels Layout), received by the Local Authority on the 27th February 2015, relating to the finished floor levels for Plots 109-118, 150-155 and 176-183;
- IBS-MAT-02C (Materials Layout), received by the Local Authority on the 19th March 2015, relating to the materials for Plots 109-118, 150-155 and 176-183;
- IBS-FEN-02B (Boundary Treatments Layout), received by the Local Authority on the 30th July 2015, relating to the boundary treatments for Plots 109-118, 150-155 and 176-183;
- GL0363 01C (Soft Landscape Proposals), received by the Local Authority on the 30th July 2015, relating to Plots 101-108, 119-149, 156-177 and 184-191;
- ELL-395-BWH-C-DR-00-03 (Plot Drainage Sheet 1 of 3), received by the Local Authority

- on the 7th January 2015, relating to Plots 101-108, 119-149, 156-175 and 184-191;
- ELL-395-BWH-C-DR-00-04 (Plot Drainage Sheet 2 of 3), received by the Local Authority on the 7th January 2015, relating to Plots 101-108, 119-149, 156-175 and 184-191;
- ELL-395-BWH-C-DR-00-05 (Plot Drainage Sheet 3 of 3), received by the Local Authority on the 7th January 2015, relating to Plots 101-108, 119-149, 156-175 and 184-191;
- IBS-LAY-01D (Site Layout), received by the Local Authority on the 20th March 2015, relating to Plots 101-108, 119-149, 156-175 and 184-191;
- IBS-MAT-01C (Materials Layout), received by the Local Authority on the 20th March 2015, relating to the materials for Plots 101-108, 119-149, 156-175 and 184-191;
- IBS-FEN-01D (Boundary Treatments Layout), received by the Local Authority on the 30th July 2015, relating to the boundary treatments for Plots 101-108, 119-149, 156-175 and 184-191;
- ELL-395-BWH-C-DT-00-71 Revision A (Finished Floor Levels Layout), received by the Local Authority on the 20th March 2015, relating to the finished floor levels for Plots 101-108, 119-149, 156-175 and 184-191;
- BID-PLAN-09 (Bidford House Type), received by the Local Authority on the 27th February 2015;
- BID-PLAN-13 (Bidford (Opp) House Type), received by the Local Authority on the 27th February 2015;
- CHE-PLAN-01 (Cherry House Type), received by the Local Authority on the 27th February 2015;
- CHE-PLAN-02 (Cherry (Opp) House Type), received by the Local Authority on the 27th February 2015;
- WIL-PLAN-01 (Willow (As) House Type), received by the Local Authority on the 27th February 2015;
- WIL-PLAN-02 (Willow (Opp) House Type), received by the Local Authority on the 27th February 2015;
- LAR-PLAN-01 (Larch House Type), received by the Local Authority on the 27th February 2015;
- LAR-PLAN-02 (Larch (Opp) House Type), received by the Local Authority on the 27th February 2015;
- LAU-PLAN-01 (Laurel House Type), received by the Local Authority on the 27th February 2015;
- MUL-PLAN-01 (Mulberry (As) House Type), received by the Local Authority on the 27th February 2015;
- MUL-PLAN-02 (Mulberry (Opp) House Type), received by the Local Authority on the 27th February 2015;
- LIM-PLAN-01 (Lime (As) House Type), received by the Local Authority on the 27th February 2015;
- LIM-PLAN-02 (Lime (Opp) House Type), received by the Local Authority on the 27th February 2015;
- CYP-ELEV-01 (Cypress House Type Elevations), received by the Local Authority on the 27th February 2015;
- CYP-PLAN-01 (Cypress House Type Floor Plans), received by the Local Authority on the 27th February 2015;
- CYP-ELEV-02 (Cypress House Type Elevations), received by the Local Authority on the 27th February 2015;
- CYP-PLAN-02 (Cypress House Type Floor Plans), received by the Local Authority on the 27th February 2015;
- CYP-ELEV-03 (Cypress House Type Elevations), received by the Local Authority on the 27th February 2015;
- CYP-PLAN-03 (Cypress House Type Floor Plans), received by the Local Authority on

- the 27th February 2015;
- HAW-PLAN-01 (Hawthorn (As) House Type), received by the Local Authority on the 27th February 2015;
- HAW-PLAN-02 (Hawthorn (Opp) House Type), received by the Local Authority on the 27th February 2015;
- MAG-PLAN-01 (Magnolia (As) House Type), received by the Local Authority on the 27th February 2015;
- MAG-PLAN-02 (Magnolia (Opp) House Type), received by the Local Authority on the 27th February 2015;
- LAU-PLAN-02A (Laurel (Opp) House Type), received by the Local Authority on the 27th March 2015;

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

- 2 The external materials to be used in the development, hereby permitted, shall be in strict accordance with those specified on drawing number PC0276_100_001/1 Revision B (excluding Plots 101-191) along with the use of OSMA RoundLine PVC-U rainwater goods, Birtley GPR doors (coloured as specified on drawing number PC0276_100_001/1 Revision B), eaves and verge details in accordance with drawing number SD-7-08, received by the Local Authority on the 6th February 2014, White Upvc windows, GRP Porches with Tiled Roofs and Slate Blue Engineering Brick Cills and Headers and Stone Cills to Bay Windows as discharged under application reference 12/00453/FULM. The external materials for Plots 109-118, 150-155 and 176-183 shall be in strict accordance with those specified on drawing number IBS-MAT-02C, received by the Local Authority on the 19th March 2015. The external materials for Plots 101-108, 119-149, 156-175 and 184-191 shall be in strict accordance with those specified on drawing number IBS-MAT-01C, received by the Local Authority on the 20th March 2015. All other external materials (including the position of utility boxes) shall be strict accordance with those shown on the approved dwelling plans specified in Condition 2 above.

Reason - to ensure a satisfactory development and in accordance with Policy E4 of the adopted North West Leicestershire Local Plan.

- 3 The landscaping of the site (excluding Plots 101-108, 119-149, 156-177 and 184-191) shall be in strict accordance with the information shown on drawing numbers JBA 11/347-01 Revision C, JBA 11/347-02 Revision C, JBA 11/347-03 Revision C, JBA 11/347-04 Revision C, JBA 11/347-05 Revision D, JBA 11/347-06 Revision D and JBA 11/347-07 Revision D, received by the Local Authority on the 17th January 2014, and as discharged under application reference 12/00453/FULM. The landscaping for Plots 101-108, 119-149, 156-177 and 184-191) shall be provided in strict accordance with the information shown on drawing number GL0363 01C, received by the Local Authority on the 30th July 2015. All soft landscaping shown on the approved plans shall be carried out in the first planting and seeding season following the first occupation/use of the dwellings unless an alternative implementation programme is first agreed in writing by the Local Planning Authority with the hard landscaping schemes being provided in full prior to first occupation of any dwellings unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a five year period from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason - to ensure the satisfactory overall appearance of the completed development within the National Forest area and in accordance with Policies E4, F1 and F3 of the adopted North West Leicestershire Local Plan.

- 4 The play equipment to be provided on the site shall be in strict accordance with the information shown on drawing numbers JBA 11/347-03 Revision C and JBA 11/347-05 Revision D, received by the Local Authority on the 17th January 2014, and as discharged under application reference 12/00453/FULM. The play equipment shall be provided prior to the first occupation/use of the eightieth dwelling on the site, unless an alternative timeframe is first agreed in writing with the Local Planning Authority, and once provided the play equipment shall thereafter be retained in situ at all times.

Reason - to ensure the satisfactory provision of children's play facilities and in accordance with Policy L21 of the adopted North West Leicestershire Local Plan.

- 5 The lighting scheme to be provided on the site shall be in strict accordance with the information shown on drawing number LTG 8433 and within the document by Advanced LEDS Ltd, received by the Local Authority on the 20th June 2014, and as discharged under application reference 14/00171/VCUM. The lighting scheme shall now be implemented in accordance with the approved scheme and once provided the lighting scheme shall thereafter be retained in situ at all times.

Reason - to preserve the amenities of the locality; in the interests of residential amenities; in the interests of highway and pedestrian safety and in accordance with Policies E3 and E4 of the adopted North West Leicestershire Local Plan.

- 6 The surface water drainage scheme for the site shall be provided in strict accordance with the details specified on drawing numbers on 110 Revision B (Storm and Foul Water Drainage General Arrangement); 113 (Surface Water Balancing Pond General Arrangement); 116 Revision B (Highway and Drainage Longitudinal Sections Roads 1, 2 & 3 (Sheet 1 of 2)); 117 Revision A (Highways & Drainage Longitudinal Sections 4 & 5 (Sheet 2 of 2)); 120 (Private Drainage and External Works (1 of 5)); 121 (Private Drainage and External Works (2 of 5)); 122 (Private Drainage and External Works (3 of 5)); 123 (Private Drainage and External Works (4 of 5)) and 124 (Private Drainage and External Works (5 of 5)), received by the Local Authority on the 24th September 2013, along with the information contained within the letter from Jack McCallum of Severn Trent Water (Ref: 00008112150) of the 13th November 2013, received by the Local Authority on the 21st November 2013, and as discharged under application reference 12/00453/FULM. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason - to prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity in accordance with Policy E30 of the adopted North West Leicestershire Local Plan.

- 7 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision D, dated 15th May 2012, Ref 2012/930 and the following mitigation measures detailed within the FRA:
1. Limiting the surface water run-off generated by all rainfall events up to 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.
- Section 4.0

2. Finished floor levels are set no lower than 100mm above adjacent finished highway levels to Ordnance Datum (AOD). Section 5.0

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

Reason - to prevent flooding by ensuring the satisfactory storage of disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

- 8 The development hereby permitted shall be undertaken in strict accordance with the mitigation measures outlined in site specific Ecological Survey - James Blake Associates (April 2012).

Reason - to ensure that the development delivers its mitigation in regard to the effects that it will create and deliver a valuable biodiversity net gain to the area.

- 9 Unless first agreed in writing by the Local Planning Authority, no site clearance operations that involve the destruction or removal of vegetation on the site shall be undertaken during the months of March to August (inclusive).

Reason - to ensure breeding birds are not adversely affected, in the interests of nature conservation.

- 10 No works to trees within the site shall be undertaken at any time unless, within a period not more than one month prior to the works, the trees have been surveyed by a suitably qualified individual, and have been found to have no bats present.

Reason - in the interests of nature conservation.

- 11 Bird and bat boxes will be provided in the positions identified on drawing numbers JBA 11/347-01 Revision E, JBA 11/347-02 Revision E, JBA 11/347-03 Revision E, JBA 11/347-04 Revision E, JBA 11/347-05 Revision F, 11/347-06 Revision F and JBA 11/347-07 Revision F, received by the Local Authority on the 20th June 2014, and as discharged under application reference 14/00171/VCUM. The scheme shall now be implemented in accordance with the approved scheme prior to the completion of the development.

Reason - in the interests of nature conservation, and to comply with Policy 26 of the East Midlands Regional Plan.

- 12 The development of the site shall be carried out in strict accordance with the recommendations of the Rodgers Leask Environmental Geo-Environmental Assessment for Ashby Road, Ibstock (Phase 2) dated 28th September 2012 (E11/115), received by the Local Authority on the 26th November 2013, and as discharged under application reference 12/00453/FULM. If during the course of the development unidentified contamination is discovered development must be halted on that part of the site, it must be reported in writing within 10 working days to the Local Planning Authority and a risk assessment for that contamination (to include any required amendments to the remediation scheme and Verification Plan) must be submitted and approved in writing prior to the recommencement of development of that part of the site. Thereafter, the

development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason - to provide for mitigation of any land contamination.

- 13 Before occupation of any part of the completed development, a verification investigation shall be undertaken inline with the agreed Verification Plan for any works outlined in the Remedial Scheme, agreed under Condition 13, relevant to either the whole development or that part of the development which is to be undertaken. The report showing the findings of the verification investigation shall be submitted to, and approved by, the Local Planning Authority. The verification report should:
- 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 of all materials taken to and from the site an/or a copy of the completed site waste management plan if one was requested;
 - Contain test certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved remedial scheme;
 - Include a statement signed by the developer or the approved agent, confirming that all works specified in the Remediation Scheme have been completed.
- Should no previously unidentified contamination be discovered during the ground works of the development then a statement from the developer or approved agent to this effect should be submitted to the Local Planning Authority for approval in writing.

Reason - to provide for mitigation of any land contamination.

- 14 None of the dwellings hereby permitted shall be occupied until such time as the off-site highway works at the junction of Ashby Road and Melbourne Road, being the improvement of pedestrian crossing facilities, new domed central islands and changes to kerblines, as shown on Travis Baker drawing no. 12038-1 Rev B have been completed.

Reason - to improve pedestrian access to the site and capacity of the junction.

- 15 No more than 25 dwellings shall be occupied until such time as the off-site highway works at the Co-Op roundabout at the junction of Ashby Road and Leicester Road, being the improvement of pedestrian crossing facilities, and changes to kerblines, as shown on Travis Baker drawing no 12038-2 have been completed.

Reason - to improve pedestrian access from the site to services in Ibstock.

- 16 No more than 50 dwellings shall be occupied until such time as the off-site highway works at the new junction for the development onto Station Road, being a mini-roundabout and gateway feature, as shown on Travis Baker drawing no. 12038-Fig 4 Rev D have been completed.

Reason - to provide a suitable access to the site.

- 17 Vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the highway. The wheel washing facilities provided shall be so maintained for the

operational period of the development hereby permitted.

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

- 18 For the period of construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

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

- 19 The development shall be carried out in strict accordance with the Residential Travel Plan produced by Travis Barker on the 9th January 2014, and submitted to the Local Authority on the 15th January 2014, as discharged under application reference 12/00453/FULM.

Reason - to ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from site.

- 20 The 101st dwelling constructed as part of the development shall not be occupied until such time as footpath Q69 has been provided along the route shown by a broken black line on the plan provided by Leicestershire County Council and appended to the decision notice for application reference 12/00453/FULM.

Reason - to ensure the preservation of an existing Public Right of Way.

- 21 The directional signage for the public footpaths network shall be provided in strict accordance with the drawing titled Public Footpath Sign (Leicestershire), received by the Local Authority on the 18th November 2014, and in the position shown on drawing number PC0276_FD_001, received by the Local Authority on the 7th November 2014, to a height of 2.2 metres as discharged under application reference 14/00171/VCUM. The signage shall now be provided before the occupation/use of the 101st dwelling on the site and shall thereafter be so retained.

Reason - in the interests of providing robust pedestrian connectivity to the wider public footpath network.

- 22 The boundary treatments scheme on the site, excluding Plots 101-191, shall be provided in strict accordance with that specified on drawing numbers EMS.2249_16 (Illustrative Layout (Sheet 1 of 4)), EMS.2249_17 (Illustrative Layout (Sheet 2 of 4)), EMS.2249_18 (Illustrative Layout (Sheet 3 of 4)) and EMS.2249_19 (Illustrative Layout (Sheet 4 of 4)) as well as in accordance with the details shown on drawing numbers SD-9-02 (1.8M Close Boarded Fence); SD-9-03 (1.8M Screen Wall) and SD-9-04 (Proposed Boundary Detail - Decorative Screen Timber Fence Detail), received by the Local Authority on the 24th September 2013, and as discharged under application reference 12/00453/FULM. The boundary treatments for Plots 109-118, 150-155 and 176-183 shall be provided in strict accordance with those specified on drawing number IBS-FEN-02B, received by the Local Authority on the 30th July 2015, with the boundary treatments for Plots 101-108, 119-149, 156-175 and 184-191 being provided in strict accordance with those specified on drawing number IBS-FEN-01D, received by the Local Authority on the 30th July

2015. 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 (as amended) (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 and to ensure an appropriate form of design.

- 23 The bin storage areas for the dwellings shall be provided in strict accordance with the information shown on drawing number PC0276_200_005, received by the Local Authority on the 18th November 2014, and as discharged under application reference 14/00171/VCUM. The development shall now be carried out in accordance with the approved scheme.

Reason - to ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity and 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 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 Prior to any works associated with the surfacing of the footpath being carried out, the County Council's approval should be obtained to the specification for this purpose. The Company should contact the Rights of Way Inspector for the area, Mr A. Perry, who is based at the Northern Area Highways Office, Mountsorrel (Telephone No. 0116 305 0001). The Developers will otherwise be responsible for ensuring that the legal line of footpath Q69 is not affected by any operations associated with the development, and that free access can be exercised safely by pedestrians at all times. Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction works, and whether appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the footpath, particular attention should be given to ensuring that no materials are stored on the line of the right of way and that no Contractor's vehicles are parked either along or across it.
- 3 Any damage that may be caused to the surface of the footpath while the development is being carried out will be the responsibility of the Developers to repair at their own expense, to the satisfaction of the Highway Authority.
- 4 The Developers should also be advised that no additional structures either of a temporary or a permanent nature should be placed across the route of footpath Q69 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 Pegasus Urban Design layout plan no EMS.2249_05-4 Rev D is generally acceptable to the highway authority, however the following concerns need to be resolved

- should the applicant seek to have the roads adopted:
- The internal dimensions of the garages need to be clarified;
 - More information needs to be provided about the carports over drives to determine whether they are wide enough to accommodate vehicles and whether they will be gated;
 - Provide tracking to ensure cars can turn out of parking area for Plot 113;
 - Trees and grassed areas not required for the highway (but proposed to form part of the adopted highway) will attract a commuted sum;
 - Speed tables need to finish well clear of drives e.g. Plot 34;
 - The speed reducing chicane feature will need to be designed to accommodate buses
 - Gates need to be set back five metres to allow parking in front of them without overhanging the highway e.g. Plots 61/62;
 - The footpath on the east side linking to footpath Q69 will be adopted (and needs to be tarmaced and lit as it provides a route to school and the village centre).
- 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.
- 7 Public footpath Q69 crosses the site and will need to be diverted to accommodate the proposed layout of the development. This cannot be carried out without obtaining separate consent from Leicestershire County Council.
- 8 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.
- 9 The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plan shall be submitted and approved in writing by the Highways Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
- 10 If you intend to provide temporary directional signage to your proposed development, you must ensure that prior approval is obtained from the County Council's Highway Manager for the size, design and location of any sign in the highway. It is likely that any sign erected in the Highway without prior approval will be removed. Before you draw up a scheme, the Highways Managers' staff (tel: 0116 3050001) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work.
- 11 In relation to Condition 21, in the interests of the desirability, safety and security of pedestrians using the route, the footpath should comprise a minimum surfaced width of 2.0 metres, together with grass borders of at least one metre along either side, in accordance with the County Council's Guidance Notes for Developers which are incorporated within Part 3, Section DG7 of the 6Cs Design Guide. The application of these criteria should ensure that the path does not appear narrow and unattractive to users, but retains a more open aspect instead. If this will not be practicable, the Applicant will need to apply to the District Council for the making of an Order in respect of the official diversion of the footpath, before any development directly affecting its existing line is commenced.
- 12 The Council has previously advised that it is keen to secure low vehicle speeds throughout the development. The applicant has advised that the absence of white lining

will be one of the measures used to keep vehicle speeds low. The Council has advised that it wishes to see this approach taken forward through to detailed design but has also advised that this will require close co-operation with the Highways Authority that has previously advised that such an approach would need to be supported by a safety audit.

13 In relation to Condition 6, the Local Planning Authority expects the following:

- All pedestrian paths within the development including through areas of public open space to be illuminated by mains powered lighting;
- The applicant is advised that in accordance with the Forest inspired ethos of the development the lighting unit should seek to feature a timber element.

14 In relation to Condition 24, the Local Planning Authority expects the following:

- The Council requires 1.25sq/m per unit for bin collection points. The bin collection points should be surfaced with a block material and demarcated as such by a metal plate affixed to the surface reading 'Waste and Recycling Collection Point.'
- In relation to covered bin stores the Council requires 2.11 sqm per unit.

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Erection of a detached two storey dwelling with integral garage along with conversion of existing detached garage to residential dwelling with associated off-street parking

Report Item No
A4

23 High Street Castle Donington Derby DE74 2PP

Application Reference
15/00652/FUL

Applicant:
Mr Stuart Ellis

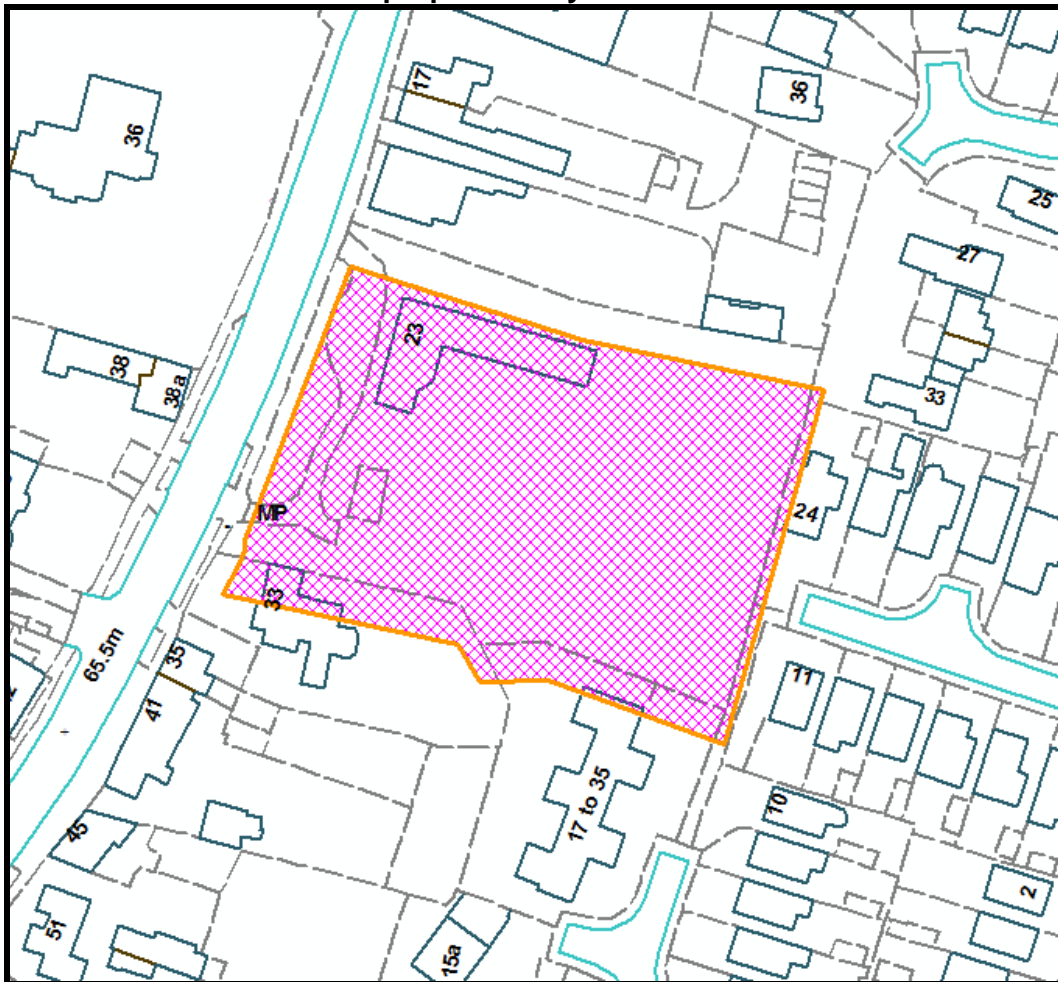
Date Registered
10 July 2015

Case Officer:
Adam Mellor

Target Decision Date
4 September 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 in order to allow the Committee to assess the modern design approach to the new dwelling given its location within the Castle Donington Conservation Area.

Proposal

The application relates to the construction of a detached two-storey dwelling within the garden area of No. 23 High Street with an existing detached garage also being converted to form a dwelling. As the site currently benefits from two vehicular access points one would be utilised by the new dwellings with the other being retained for the benefit of No. 23. The site is within the limits to development as well as the Castle Donington Conservation Area.

Consultations

No letters of representation from third parties have been received but Castle Donington Parish Council have objected to the application. All other statutory consultees have raised no objections.

Planning Policy

It is considered that the development would remain compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the current, and draft emerging, North West Leicestershire Local Plan, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and other guidance.

Conclusion

The site is located within the limits to development with Castle Donington being considered a sustainable settlement for new development and as such the principle of the development would be acceptable and would accord with the key principles and Paragraphs 28 and 55 of the NPPF. A new dwelling of the size identified would also not result in conflict with Paragraph 53 of the NPPF which seeks to protect inappropriate development of residential gardens given that a suitable sized garden would be retained for No. 23 with the development itself not being detrimental to the character and appearance of the area

It is considered that, subject to the imposition of relevant conditions, an acceptable relationship between the proposed dwellings and No. 23 High Street could be established in order to accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan. No other neighbouring properties would be directly affected.

With regards to the impacts on the character and appearance of the streetscape and wider area it is considered that the works proposed to Plot 2 would be acceptable, given that they are fairly minimal, with the position and scale of Plot 1 being commensurate to the forms and position of dwellings in the locality and not readily visible from the public domain. It is also considered that there would be less than substantial harm to the historic significance of heritage assets given that the setting of neighbouring listed buildings would be protected by intervening land forms and the impacts to the conservation area setting being minimal by virtue of the position of the new dwelling. The modern design approach and materials of construction would also be welcomed and would allow the property to have a distinctive character. Overall the development would accord with Paragraphs 57, 60, 61, 131, 132, 134 and 137 of the NPPF, Policies E4 and H7 of the Local Plan and Sections 66 and 72 of the Listed Buildings and Conservation Areas

Act 1990.

With regards to highway safety it is considered that the existing set back of the vehicular access, to be used for the new dwellings, from High Street would ensure that vehicles wishing to enter the site could pull clear of the highway whilst another vehicle exits with it being noted that such conflict would be fairly infrequent given the visibility afforded from the new plots to the access point. Sufficient off-street parking and manoeuvring facilities would also be provided. Overall the development accords with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the Local Plan.

There are no ecological or archaeology constraints associated with the site, subject to the inclusion of a condition associated with when vegetation should be removed. On this basis the proposal accords with Paragraphs 118 and 141 of the NPPF and Circular 06/05.

Suitable conditions could also be imposed to ensure that relevant fencing to protect trees is provided and that an appropriate landscaping scheme is also secured. It is also considered that the amenities of any future occupant of the Plots would not be adversely impacted on by virtue of their relationship with mature protected trees. On this basis the development accords with Policy E7 of the Local Plan.

Details of the surface water drainage scheme for the site would be agreed under separate legislation and as the site is not located within a flood zone it is considered that any surface water solution agreed would not further exacerbate any localised flooding impact. The scheme would therefore accord with Paragraph 103 of the NPPF.

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 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 erection of a detached two-storey dwelling with integral garage along with conversion of existing detached garage to residential dwelling with associated off-street parking at 23 High Street, Castle Donington. No. 23 is a three-storey (with habitable accommodation within the roof slope) detached dwelling situated on the south-eastern side of the street, where it is set back 12.0 metres from the highway. Two vehicular access points exist into the site which is within the defined limits to development, as identified on the Proposals Map to the North West Leicestershire Local Plan, as well as the Castle Donington Conservation Area. The surrounding area is residential with properties varying in their type and design.

It is proposed that the existing stone built detached garage would be converted to a detached two-storey (first floor accommodation within the roof slope) dwelling involving the provision of a minor single storey extension. This dwelling would provide an open plan kitchen/dining area/living area, living room and water closet at ground floor level and two bedrooms and a bathroom at first floor level for the occupants.

A second new build dwelling would be constructed 9.5 metres from the converted garage and would have a footprint of 213.12 square metres and an overall height of 7.2 metres. A sun room/garden room, living area, kitchen/dining area, utility room, water closet, study, snug, cloak room and lobby/entrance hall would be provided at ground floor level with four bedrooms, three en-suites, a changing room and bathroom being supplied at first floor level for the occupants. A separate attached garage, with a footprint of 48.8 square metres and height of 4.2 metres would also be provided.

With regards to vehicular access one of the existing accesses would be used solely for No. 23 High Street with the other access being used to serve the two new dwellings.

Following concerns raised by Officer's the amenity space which was retained to be used by No. 23 High Street has been edited so that it is now incorporated into the amenity area associated with Plot 1 in order to prevent adverse overlooking impacts. Amended plans showing this change have been received.

A design and access statement, heritage statement, protected species assessment and arboricultural survey report and method statement have been submitted in support of the application.

The planning history of the site is as follows: -

- 11/00182/FUL - Erection of solar panels on low level flat roof of rear addition - Approved 26th April 2011.

2. Publicity

19 Neighbours have been notified (Date of last notification 20 July 2015)

Site Notice displayed 29 July 2015

Press Notice published 29 July 2015

3. Consultations

Castle Donington Parish Council consulted 20 July 2015

County Highway Authority
Severn Trent Water Limited
Head of Environmental Protection
NWLDC Tree Officer
County Archaeologist
LCC ecology
Airport Safeguarding
NWLDC Conservation Officer

4. Summary of Representations Received

The following summary of representations is provided.

Castle Donington Parish Council has no objections to the conversion of the garage to a dwelling but strongly objects to the new build dwelling due to the use of inappropriate materials in a conservation area.

East Midlands Airport Safeguarding has no objections.

Leicestershire County Council - Archaeology no representation received.

Leicestershire County Council - Ecology has no objections subject to the imposition of a condition associated with the timing of vegetation removal.

Leicestershire County Council - Highways has no objections subject to their standing advice being considered associated with visibility splays, pedestrian visibility, access width, access radii, car parking and turning facilities, access surfacing, gates set back distance and access drainage.

NWLDC - Conservation Officer has no objections subject to the finished floor level of the new build dwelling being appropriate to prevent views being established from the public domain.

NWLDC - Environmental Protection has no objections.

NWLDC - Tree Officer has no objections subject to conditions.

Severn Trent Water has no objection subject to the inclusion of a note to applicant on any permission granted.

Third Party Representations

No third party representations have been received.

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 111 (Conserving and enhancing the natural environment);
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 141 (Conserving and enhancing the historic environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 206 (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 T20 - Airport Safeguarding;
Policy H4/1 - Housing Land Release;
Policy H7 - Housing Design;

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in Favour of Sustainable Development;
Policy S2 - Future Housing and Economic Development Needs;
Policy S3 - Settlement Hierarchy;
Policy S5 - Design of New Development;
Policy H6 - House Types and Mix;
Policy Ec6 - East Midlands Airport: Safeguarding;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Sustainable Design and Construction;
Policy Cc3 - Water - Flood Risk;
Policy Cc4 - Water - Sustainable Drainage Systems;
Policy IM1 - Implementation and Monitoring of the Local Plan;

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;

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

6. Assessment

Principle of the Development

The site is located within the limits to development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the

adopted North West Leicestershire Local Plan and other material considerations. Within the NPPF there is a presumption in favour of sustainable development and that proposals which accord with the development plan should be approved without delay unless any adverse impacts 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.

Castle Donington benefits from a range of services and excellent public transport links which all lie within an acceptable walking distance of the application site, as such the settlement scores well against the sustainability advice contained within the NPPF. A residential development of this nature would also help to sustain these services for 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 potential that development would cause harm to the local area. No. 23 High Street would retain an appropriate level of private amenity space, with the provision of a detached dwelling not resulting in a cramped or constrained form of development given the site area. Overall, the implications of the development to the character and appearance of the streetscape, surrounding area and conservation 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.

The principle of the development would therefore be acceptable.

Residential Amenity

No. 23 High Street is within the ownership of the applicant and is the property which would be immediately affected by the development proposals.

The garden of No. 23 would be subdivided to provide Plot 1 (new dwelling) with it being located 9.6 metres from the south-eastern corner of No. 23 and 14.4 metres from the southern (side) elevation of a two and single storey projection from the eastern (rear) elevation of No. 23 which contains a pool at ground floor level and a sun lounge at first floor level. It is proposed that Plot 1 would be located on an area of the site which is at a higher level than the floor level of No. 23 and has been designed so that its overall height is kept low and that there is variance in the roof design. Whilst being situated at a higher land level it is considered that the overall distance between the side elevation of the rear projection to No. 23 and the rear elevation of Plot 1 would be sufficient in ensuring that there would not be a significantly detrimental overbearing or overshadowing impact on the amenities of No. 23 as to justify a refusal of the application.

In respect of overlooking impacts it is considered that views from the ground floor windows in the northern (rear) elevation of Plot 1 could be mitigated by the provision of a suitable boundary treatment with the majority of first floor windows being conditioned to be obscure glazed and with a restricted opening. It is noted that the only window serving bedroom 2 would be located in this elevation, albeit this window also marginally wraps round the corner of the building so glazing also exists on the eastern (side) elevation. The garden area for Plot 1 would incorporate some of the land associated with No. 23 and as a result the 'direct' view out of the proposed window would be towards the proposed amenity area for Plot 1. Any views established towards

the elevations and private amenity area of No. 23 could also be mitigated by the provision of landscaping against the immediate boundary to prevent such a view although it is noted that the type of window proposed for the room, being full glazing, would not be opened apart from the top part which would be at a sufficient height above the internal floor level. In any event as No. 23 is within the ownership of the applicant they would be willing to accept this relationship between the properties with any future occupant (not currently connected with the site) being aware of this relationship prior to their purchase.

Views from the windows at first floor level within the eastern (side) elevation of Plot 1 would be at an oblique angle towards the latter parts of the amenity area associated with No. 23 and whilst a balcony is also proposed on this elevation this would be set 7.8 metres from the shared boundary with views towards the immediate rear amenity area and elevations of No. 23 being restricted by the presence of the built walls of Plot 1. The view from a first floor bedroom window in the western (side) elevation would also not result in any direct overlooking impacts onto or into No. 23 given the oblique angle of view. Views from No. 23 towards the northern (rear) elevation of Plot 1 would be restricted by the proposed boundary treatments, or at an oblique angle, with no views onto the private amenity area for Plot 1.

Given that Plot 2 (being the converted outbuilding) would not be substantially altered and is in line with the western (front) elevation of No. 23 it is considered that the relationship between the two dwellings would be acceptable in respect of overbearing and overshadowing impacts. A first floor window serving a bedroom would be provided within the northern (side) elevation of Plot 2 but the relative size of this window, as well as its low height above the internal floor level, would ensure that there would not be a direct overlooking impact which would warrant a refusal of the application. A first floor window, serving an en-suite, exists in the southern (side) elevation of No. 23 and it would be necessary for this window to be edited to be obscure glazed and non-opening in order to prevent overlooking impacts towards the rear amenity area of Plot 2. It is possible for a condition to be imposed in this instance as the applicant is in ownership of No. 23.

With regards to the relationship between Plots 1 and 2 it is noted that a distance of 10.0 metres would exist between the eastern (rear) elevation of Plot 2 and the western (side) elevation of Plot 1 which is single storey in height and 16.4 metres between the part which is two-storey in height. These distances are considered to be sufficient in ensuring that there would be no adverse overbearing or overshadowing impacts. A first floor window serving a bedroom would be situated in the western (side) elevation of Plot 1 but given the distances involved, as well as the fact that the first floor accommodation within Plot 2 is within its roof slope, it is considered that there would be no direct overlooking impacts which would warrant a refusal of the application.

Plot 1 would be set 14.8 metres, 18.8 metres and 26.4 metres, respectively, from the boundaries of No. 33 High Street, a building containing Nos. 31, 33 and 35 Cavendish Close and 11 Orly Avenue (although the boundary with this property is dissected by a footpath link) with Plot 2 being set 10.0 metres from the boundary with No. 33 High Street. Given these distances, the scale of the dwellings as well as the presence of substantial vegetation it is considered that there would be no adverse impacts on the amenities of neighbouring properties in respect of overbearing, overshadowing or overlooking impacts.

Whilst it would be necessary for vehicles associated with Plot 1 to pass by the western (side) elevation, and part of the garden, of Plot 2 it is considered that the level of vehicular activity associated with one dwelling would not be significant. The level of movements would also be no different to those experienced by a dwelling on a corner plot where two of the boundaries lie in close proximity to the highway which was considered in a 2008 appeal to be an acceptable

yardstick to an acceptable standard under Appeal Ref: APP/G2435/A/08/2065885/WF.

It is noted that trees of a mature stature exist to the western (side) and southern (rear) boundaries which are proposed to be retained as part of the development and would also be protected due to their location within a conservation area. Whilst it is inevitable that some overshadowing impacts would be associated with the private amenity areas the dwellings have been positioned so as to ensure ample private amenity space is provided which would not be significantly impacted on. In this circumstance it is considered that the extent of shadowing would not be of sufficient detriment to the occupant's amenities as to warrant a refusal of the application with it being noted that any future occupants would be aware of this relationship prior to their purchase.

Overall the scheme accords with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

Impact on the Historic Environment and Streetscape

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

In respect of the characteristics of the immediate environment it is noted that the position of properties, with regards to their proximity to the highway, vary with some abutting the highway (Nos. 35, 38a and 41 High Street), some being slightly set back (Nos. 17, 19 and 21 High Street) and others being significantly set back (Nos. 23, 33 and 36 High Street). The overall heights of properties also vary mainly ranging from two to three storeys with a site section drawing showing that the land levels rise from High Street through the site onto Orly Avenue with it also being noted that on the application site land levels rise from north to south.

It is proposed that Plot 1 would be set 31.0 metres from the western (front) boundary of the site, however, given the variation in the proximity of dwellings to the highway as identified above it is considered that the position of the dwelling would not impact adversely on the character of the area with its linear form being consistent with the manner in which No. 23 High Street has been developed as well as No. 34 High Street and the barn adjacent to No. 15 High Street. This set back would also limit the visual impacts of Plot 1 given that it would not be readily visible from the public domain on High Street apart from when directly opposite the site on the western pavement. Plot 2 would have a building line similar to that of No. 23, which would respect the characteristics of the area, with there not being significant alterations to the elevation which is currently presented to High Street. It is considered that the precedent of one dwelling behind another is set by Nos. 38 and 38a High Street, as well as Nos. 50, 52, 54, 56-58, 60, 64 and 66 High Street behind Nos. 44, 46, 48 and 66 High Street, and as such this element of the development would not result in a significant impact on the characteristics of the streetscape or surrounding area.

The site is located within the Castle Donington Conservation Area and as such the Council's Conservation Officer has been consulted on the proposals. In response no objections have been raised with it being stated that: -

"The site formerly accommodated three dwellings which have been removed leaving the host dwelling and outbuilding. Although the area is generally characterised by buildings set close to the highway the host dwelling is set back further and the proposed new dwelling would

correspond with that setting projecting significantly into the site. I welcome the modern design approach and given the siting, and retention of the outbuilding, together with the mature landscaping, would reduce the visibility of the new dwelling from the public highway....The conversion of the outbuilding would also utilise a modern design approach which is welcomed. Again the visual impact on the conservation area would be limited and the subdivision of the site appears to work well."

The only matter that raised concern for the Councils Conservation Officer was associated with the levels on the site given that Plot 1 would be located on a higher area of land, however, following the receipt of a site section drawing to show the relationship between No. 23 High Street and Plot 1 these concerns have been alleviated.

It is considered that the new dwelling would not be readily visible from the public domain on High Street and as a result would not have a significantly adverse impact on the significance of the conservation area with the setting of listed buildings being preserved due to their separation distance from the application site and presence of intervening built forms. Whilst Plot 1 would be visible in views established into the conservation area from Orly Avenue in the context of this view would be modern properties associated with Orly Avenue and as such there would be a less than substantial impact on the historic significance of this setting.

Although the proposed dwellings would be of a modern design it is noted that Paragraph 60 of the NPPF indicates that *"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."* In the circumstances that the Council's Conservation Officer has raised no objections it is considered that the modern design approach would be welcomed in providing a property with distinctive character and which would separate itself from the host dwelling (No. 23). In respect of the materials of construction it is also considered that these would be acceptable and would not detract from the character of the area, or the significance of the conservation area, given that existing properties in the area could be amended to introduce the types of materials which would be utilised as a form of permitted development.

Overall the layout, design and scale of the dwellings are considered to be appropriate and would ensure that the development accords with Paragraphs 57, 60, 61, 131, 132, 134 and 137 of the NPPF, Sections 66 and 72 of the 1990 Act as well as Policies E4 and H7 of the Local Plan.

Highway Safety

The County Highways Authority has raised no objections to the development, subject to their standing advice being considered.

No. 23 benefits from two vehicular access points onto High Street and it is proposed that one access point, located within the north-western corner, would be retained for No. 23 with the other access point, in the south-western corner, being utilised for the two new dwellings. It is considered that the vehicular access point retained for No. 23 would be suitable given that it currently serves one dwelling and would continue to do so. The proposed access point to serve the new dwellings has a width of 6.8 metres, at a distance of 3.6 metres from the kerb of the pavement, with it narrowing to 4.0 metres at a distance of 6.0 metres from the kerb of the pavement. Whilst, at its narrowest point, it would not be possible for two cars to pass each other it is considered that as the proposal only leads to the creation of two dwellings the potential for conflict between vehicles entering the site and those exiting the site would be an infrequent occurrence due to the fact that clear visibility is provided from both the plots towards the point of

access. As such if a vehicle was to enter the site any vehicle attempting to exit the site could easily wait clear of the access before proceeding. The presence of designated on-street parking areas in both directions of the access point would also mean that should any conflict occur vehicles would not be restricting the safe movement of traffic on High Street given that they would be clear of the highway. As the vehicular access point exists, with the frontage boundary wall being low in height, it is considered that adequate visibility splays would be provided to serve the new dwellings. Overall it is noted 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,"* and given the above assessment it is considered that the development would not conflict with the aims of this Paragraph or Policy T3 of the Local Plan.

In respect of off-street parking the two bedroom converted garage would benefit from two off-street parking spaces with at least three off-street parking spaces being provided for the new dwelling. No. 23 High Street would also retain ample parking to its site frontage. Suitable manoeuvring facilities would also be provided within the curtilage of the dwelling(s), as well as within the grounds of No. 23 High Street. On this basis the proposed development would accord with Paragraph 39 of the NPPF and Policy T8 of the Local Plan.

Ecology

The County Council Ecologist has assessed the submitted protected species survey and has no objections subject to the inclusion of a condition to highlight that vegetation clearance should only be carried out between March and July to protect nesting birds. Subject to the inclusion of such a condition on any consent granted it is considered that the development accords with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping

The Council's Tree Officer has assessed the findings of the submitted Arboricultural Report and has raised no objections subject to the imposition of a condition relating to the submission of a site specific tree protection plan due to trees being protected by their setting in the Conservation Area.

As identified in the Residential Amenity section of this report it is noted that it is inevitable that the private amenity area for the dwellings, as well as the southern (side) elevation of Plot 2 and southern (front) elevation of Plot 1, would be subjected to some shading when the sun is positioned to the south due to the relationship with mature trees on the site. However BS5837 (2012) outlines that *"NOTE The presence of large species trees is increasingly being seen as advantageous, since it contributes to climate change resilience, amongst other benefits;"* and *"NOTE 1 Shading can be desirable to reduce glare or excessive solar heating, or to provide for comfort during hot weather. The combination of shading, wind speed/turbulence reduction and evapo-transpiration effects of trees can be utilised in conjunction with the design of buildings and spaces to provide local microclimate benefits."* The properties have been positioned so as to maximise the amount of sunlight received to the elevations and overall it is considered that such a shading impact would not be detrimental to the future occupants' amenities. It is also noted that the dwellings would be located outside of the root protection area of the trees, with the trees themselves being protected by their location within a conservation area, and this would ensure they would have a degree of protection and would not be under any undue pressure to be removed.

On this basis the development accords with Policy E7 of the Local Plan.

Archaeology

No representation has been received from the County Council Archaeologist associated with the need for investigations to be carried out on the site and as such archaeology is considered to not be a constraint on the development proposals. On this basis there would be no conflict with Paragraph 141 of the NPPF.

Other Matters

It is noted that the application site and the properties within the vicinity of the site do not fall within a Flood Zone. Details of drainage would be dealt with under separate legislation (Building Regulations and Severn Trent Water), with it being noted that Severn Trent Water have raised no objections, and as such any issues relating to how surface water run-off would be managed would be addressed at that time, although the application submission indicates that surface water run-off would be directed to a combination of the mains sewer and a soak-away. In the circumstances that the site is not within a Flood Zone it is anticipated that any surface water run-off solution would not further exacerbate any localised flooding issue. As such the development would not conflict with Paragraph 103 of the NPPF.

The site is located within the limits to development with Castle Donington being considered a sustainable settlement for new development and as such the principle of the development would be acceptable and would accord with the key principles and Paragraphs 28 and 55 of the NPPF. A new dwelling of the size identified would also not result in conflict with Paragraph 53 of the NPPF which seeks to protect inappropriate development of residential gardens given that a suitable sized garden would be retained for No. 23 with the development itself not being detrimental to the character and appearance of the area

It is considered that, subject to the imposition of relevant conditions, an acceptable relationship between the proposed dwellings and No. 23 High Street could be established in order to accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan. No other neighbouring properties would be directly affected.

With regards to the impacts on the character and appearance of the streetscape and wider area it is considered that the works proposed to Plot 2 would be acceptable, given that they are fairly minimal, with the position and scale of Plot 1 being commensurate to the forms and position of dwellings in the locality and not readily visible from the public domain. It is also considered that there would be less than substantial harm to the historic significance of heritage assets given that the setting of neighbouring listed buildings would be protected by intervening land forms and the impact to the conservation area setting being minimal by virtue of the position of the new dwelling. The modern design approach and materials of construction would also be welcomed and would allow the property to have a distinctive character. Overall the development would accord with Paragraphs 57, 60, 61, 131, 132, 134 and 137 of the NPPF, Policies E4 and H7 of the Local Plan and Sections 66 and 72 of the Listed Buildings and Conservation Areas Act 1990.

With regards to highway safety it is considered that the existing set back of the vehicular access, to be used for the new dwellings, from High Street would ensure that vehicles wishing to enter the site could pull clear of the highway whilst another vehicle exits with it being noted that such conflict would be fairly infrequent given the visibility afforded from the new plots to the access point. Sufficient off-street parking and manoeuvring facilities would also be provided. Overall the development accords with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the Local Plan.

There are no ecological or archaeology constraints associated with the site, subject to the inclusion of a condition associated with when vegetation should be removed. On this basis the proposal accords with Paragraphs 118 and 141 of the NPPF and Circular 06/05.

Suitable conditions could also be imposed to ensure that relevant fencing to protect trees is provided and that an appropriate landscaping scheme is also secured. It is also considered that the amenities of any future occupant of the Plots would not be adversely impacted on by virtue of their relationship with mature protected trees. On this basis the development accords with Policy E7 of the Local Plan.

Details of the surface water drainage scheme for the site would be agreed under separate legislation and as the site is not located within a flood zone it is considered that any surface water solution agreed would not further exacerbate any localised flooding impact. The scheme would therefore accord with Paragraph 103 of the NPPF.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

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

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

- 2 The proposed development shall be carried out strictly in accordance with the following drawing numbers: -
 - 937-AL01 Revision B (Site Location Plan), received by the Local Authority on the 18th September 2015;
 - 937-AL02 Revision B (Block Plan as Existing), received by the Local Authority on the 18th September 2015;
 - 937-AL03 (Site Plan as Existing), received by the Local Authority on the 10th July 2015;
 - 937-AL04 Revision B (Block Plan as Proposed), received by the Local Authority on the 18th September 2015;
 - 937-AL05 Revision G (Site Plan as Proposed), received by the Local Authority on the 18th September 2015;
 - 937-AL06 (Plot 1 - Floor Plans), received by the Local Authority on the 10th July 2015;
 - 937-AL07 (Plot 1 - Sections and Elevations), received by the Local Authority on the 10th July 2015;
 - 937-AL08 (Plot 2 - Floor Plans and Elevations), received by the Local Authority on the 10th July 2015;
 - 937-AL11 (Site Section as Proposed), received by the Local Authority on the 14th September 2015;
 unless otherwise required by another condition of this permission.

Reason - to determine the scope of the permission.

- 3 The external materials to be utilised in the development, hereby permitted, shall be in strict accordance with those specified in the application forms and as shown on drawing numbers 937-AL07 (Plot 1 Sections and Elevations) and 937-AL08 (Plot 2 Floor Plans and Elevations), received by the Local Authority on the 10th July 2015, unless

alternative materials are first submitted to and approved in writing by the Local Planning Authority.

Reason - to ensure that the development takes the form envisaged by the Local Planning Authority and in the interests of the visual amenities of the area and heritage assets.

- 4 Notwithstanding the provision of Part 1 (Classes A - E) of Schedule 2, Article 3 of the Town and County Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) the dwellings, hereby permitted, shall not be enlarged, improved or altered 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, given its setting with heritage assets, and in the interests of preserving the amenities of neighbours.

- 5 The first floor windows serving bedroom 3 and bathroom in the northern (rear) elevation of Plot 1 shall be glazed with obscure glass, to Pilkington Standard 3 (or its equivalent), and non-opening, unless the opening part is more than 1.7 metres above the internal floor level of the room in which the window is installed, which once provided shall thereafter be so retained.

Reason - in the interests of preserving the amenities of No. 23 High Street.

- 6 Before first occupation of Plot 2, hereby approved, the existing en-suite window at first floor level within the southern (side) elevation of No. 23 High Street shall be replaced with a window which shall be obscure glazed, to Pilkington Standard 3 (or its equivalent) and non-opening, unless the opening part is more than 1.7 metres above the internal floor level of the room in which it is installed, which once provided shall thereafter be so retained.

Reason - in the interests of preserving the amenities of the future occupants of Plot 2.

- 7 Notwithstanding the details shown on the approved plans before first occupation/use of the dwellings, hereby permitted, a scheme of soft and hard landscaping (which shall identify the retention of any trees) 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 any of the dwellings with the hard landscaping scheme being provided in full prior to the first occupation/use of any 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 residential and visual amenity given the site's relationship with heritage assets and neighbouring properties.

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

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

- 9 Notwithstanding the details shown on the approved plans before occupation/use of the dwellings, hereby permitted, a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railing, other means of enclosure) and the relevant elevation details (should brick walls be proposed than the brick bond shall also be specified) shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation/use of any dwelling hereby approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

Reason - to preserve the amenities of the locality, in the interests of highway safety and in the interests of the significance of heritage assets.

- 10 Before first occupation/use of the dwellings, hereby permitted, the following shall be provided:-
- The access drive and any turning space for Plots 1 and 2 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;
 - The car parking and turning facilities as shown on drawing numbers 937-AL05 Revision G (Site Plan as Proposed), received by the Local Authority on the 18th September 2015, and 937-AL06 (Plot 1 Floor Plans), received by the Local Authority on the 10th July 2015;
 - Drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives;

Once provided the above shall thereafter be so permanently maintained.

Reasons - to reduce the possibility of deleterious material being deposited in the highway (loose stones etc); 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; to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users; to reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 11 For the period of construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

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

- 12 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected to the access within the south-western corner (serving the new dwellings) they shall be set back a minimum distance of 5.0 metres behind the highway boundary and shall be hung 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 Before first occupation/use of the dwellings, hereby permitted, details of suitable signage

at the access to be sited clear of the access drive, visibility splays and public highway shall be submitted for approval in writing to the Local Planning Authority in consultation with the County Highways Authority. The approved signage scheme shall be provided in full before first occupation/use of any of the dwellings and once provided shall thereafter be so permanently maintained.

Reason - given the hidden nature of the site from the Class II road, drivers may not readily locate the premises from the highway. The signing is in the interests of the safety of road users.

- 14 The finished floor level of Plot 1 shall be provided in strict accordance with that shown on drawing number 937-AL11 (Site Section as Proposed), received by the Local Planning Authority on the 14th September 2015, unless an alternative finished floor level has first been submitted to and agreed in writing by the Local Planning Authority.

Reason - to ensure that the development takes the form envisaged by the Local Planning Authority and in the interests of the amenities of No. 23 High Street.

- 15 There shall be no alterations to the existing ground levels unless details of the proposed ground levels, in relation to a fixed datum point off the site, have first been submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details.

Reason - to enable the Local Planning Authority to fully assess the development in light of the ground levels on the site and to ensure a satisfactory relationship with existing residential properties.

- 16 No development shall commence until a tree protection plan to ensure that retained trees are adequately protected has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall then be provided before the development commences and shall be retained until such time as the development is completed. Within the designated tree protection area there shall be no alterations to the ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand, unless any alteration is first agreed in writing by the Local Planning Authority.

Reason - to ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.

- 17 Operations that involve the destruction or removal of vegetation shall not be undertaken during the months of March to July inclusive unless otherwise agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist.

Reason - in the interests of the protection of nesting birds which are a protected species.

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 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 2015.
- 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 Any works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager (telephone 0116 3050001).
 - 4 The highway boundary is the wall fronting the premises and not the edge of the carriageway/road.
 - 5 Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
 - 6 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.
 - 7 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.

Conversion and redevelopment of barns to form four offices
and two storage buildings with an existing access

Report Item No
A5

Measham Lodge Farm Gallows Lane Measham Swadlincote
Leicestershire DE12 7HA

Application Reference
15/00497/FUL

Applicant:
Mr & Mrs A Garland

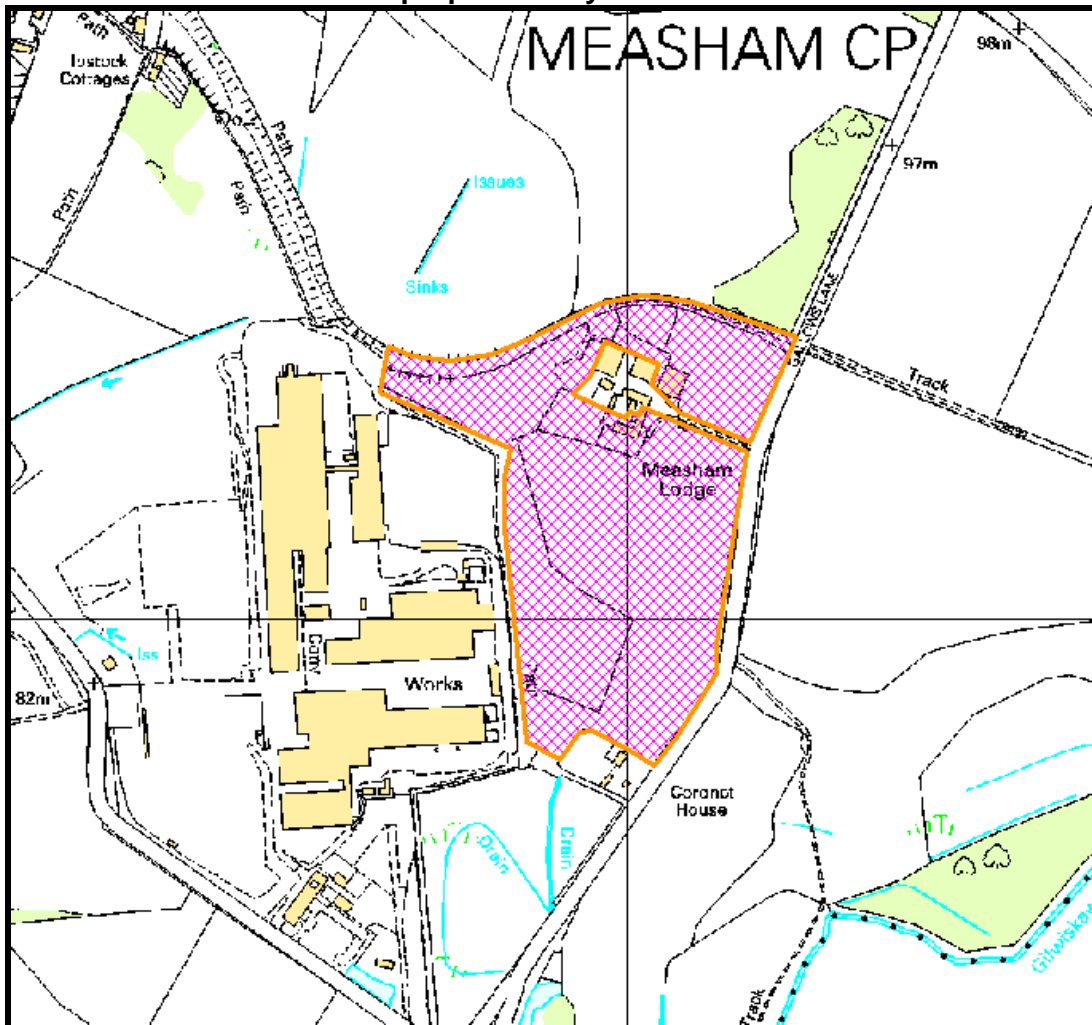
Date Registered
12 June 2015

Case Officer:
Jenny Davies

Target Decision Date
7 August 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 REASONS FOR APPROVAL

This application is reported to Members of the Planning Committee as the agent is related to Councillor Richard Blunt.

Proposal

Planning permission is sought for the conversion and redevelopment of barns to form four offices and two storage buildings at Measham Lodge Farm, Gallows Lane, Measham. The buildings that are the subject of this application form two groups; a group of older traditional barns located to the north of the farm house which would form the four offices and two more modern buildings located on the northern part of the site, which would form the two storage buildings. Measham Lodge Farm is a Grade 2 listed building and an application for listed building consent for these works has been submitted concurrently.

Consultations

No letters of representation have been received from members of the public. Measham Parish Council raises concerns and the County Highways Authority initially recommended the application for refusal although following discussion with the agent and amendments to the proposal its objections have now been withdrawn. No other objections have been received from statutory consultees.

Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and is in the countryside which is protected by Policy S3. Section 66 of the Planning (Listed Buildings and Conservation) Act 1990 is also relevant.

Conclusion

The listed buildings cannot be converted without major reconstruction and significant alteration so the proposal does not completely comply with Policy E24. However the proposal only fails to comply with one part of Policy E24 and as noted above will result in the repair and re-use of a Grade 2 listed building which is a designated heritage asset. The use/re-use of existing rural buildings also outweighs the site's unsustainable location. The less than substantial harm to the heritage asset is in this case considered on balance to be outweighed by the bringing back into use of the listed buildings and their rebuilding/repair resulting in the buildings retaining their historic form and importance and their relationship with and setting to the principal listed building. The proposal would not result in adverse impacts on the character and visual amenities of the area, on protected species or on residential amenities. The County Highway Authority's concerns regarding highway safety have been addressed by mitigation measures and the potential for impact on the public footpath could be addressed by condition. It can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION- PERMIT, subject to the following condition(s) and the signing of a legal agreement

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

Permission is sought for the conversion and redevelopment of barns to form four offices and two storage buildings at Measham Lodge Farm, Gallows Lane, Measham. An application for listed building consent for the same proposal has been submitted concurrently and is also to be considered at this Planning Committee (15/00587/LBC). The application also proposed that the two storage buildings be used for general industrial (Use Class B2) purposes but this has subsequently been removed following highway safety concerns.

The site is located on the western side of Gallows Lane and is surrounded by open fields. The buildings that are the subject of this application form two groups; a group of older traditional barns located to the north of the farm house which would form the four offices (Buildings 4, 6, 7 and 11); and two more modern buildings located on the northern part of the site, which would form the two storage buildings (Buildings 9 and 10). Another group of traditional barns located closer to the farmhouse and another modern building do not form part of the application.

Elements of the older buildings would need to be rebuilt as they have either been demolished or are in a poor state of repair, in particular a building which formed three sides of a farmyard area and is no longer in existence would be replaced on a similar footprint by Building 11. The majority of existing openings would be utilised with some new openings proposed. One of the two modern buildings requires the installation of materials to all its elevations as they are currently open sided, and the other modern building requires limited external alterations largely relating to the replacement of existing materials.

An existing access road (with some alterations) leading from Gallows Lane would continue to serve the site and parking and turning space would be provided at a variety of locations within the site.

Measham Lodge Farm is a Grade 2 listed building and the traditional buildings located to the rear of the farm house (including those that are the subject of this application) are listed by virtue of their relationship with the principal listed building. The modern buildings are not considered to be listed as they are not attached to any part of the listed building and appear to have been constructed after 1948. The listing description states:

House of earlier C18, with c.1800 wings. Red brick, Flemish bond, with brick dentilled eaves and twin-span roof of C20 tiles with four rebuilt end stacks. Wing to right, of Measham gobs with slate roof. Gauged brick lintels and ground floor stone sills. Main range front of 2 storeys: first floor, three windows, 3 light casements with central 2-light, all with top lights. Central oeil-de-boeuf above. Ground floor, three 2/2 sashes, one added c.1800. C20 canopied doorcase with overlight. 1 storey extension left end. Wing, side facing, 2 storeys, upper original blank window, lower a 2/2 sash. End has dentilled pediment band and recessed giant arch below, with gauged brick arch and tripartite 2/2, 6/6, 2/2 sash both floors. To rear, an early C19 extension with plain tiled roof and ridge stack. 2 storeys of two 3-light casements with cambered lintels. Main range rear as front with sash replacing 3-light, and C20 porch. Interior: C18 staircase, 6-panelled doors, beams and two inglenooks. The wing is almost certainly the only example of the use of Measham gobs on an elegant house remaining uncovered.

The site lies within the catchment area for the River Mease Special Area of Conservation. Public footpath P90 runs along the access drive before turning to the north.

No planning history records have been found in respect of the buildings that are the subject of this application. Permission was granted in November 2013 (13/00205/FUL) for the change of use of land for the storage of military equipment including tanks, armoured fighting vehicles, heavy vehicles and trailers, off road 4 x 4 vehicles and associated servicing and maintenance equipment on an area of land to the west of the farm complex. This storage use had been in operation but has now ceased after permission was granted in December 2014 (14/01032/FUL) for a similar storage use at the 'Tankmania' site on the eastern side of Gallows Lane.

2. Publicity

2 Neighbours have been notified (Date of last notification 9 July 2015)

Site Notice displayed 19 June 2015

Press Notice published 24 June 2015

3. Consultations

Measham Parish Council consulted 17 June 2015

County Highway Authority

NWLDC Footpaths Officer

Head of Environmental Protection

NWLDC Conservation Officer

LCC/Footpaths

Environment Agency

Severn Trent Water Limited

Natural England

LCC ecology

4. Summary of Representations Received

Statutory Consultees

Measham Parish Council feels that the access to the site is a concern due to the fact that of extra vehicular traffic and ask if the access could be made wider.

The Council's Environmental Protection team has no environmental observations subject to conditions.

The County Ecologist has no objections.

Natural England has no objections subject to conditions.

The Environment Agency has no objections.

Severn Trent Water has no objections.

The Council's Conservation Officer has no objections.

The County Highway Authority initially recommended refusal on the following two grounds:

1. *The proposal, if permitted, would lead to a significant increase in turning traffic using an access onto a busy, unrestricted (60mph) Class II (B4116) road where the turning manoeuvres would be an additional source of danger to road users which would not be in the interests of*

highway safety.

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

Following the removal of the B2 element from the proposal and the agreement of the applicant to secure highway safety improvements at the site the Highway Authority has withdrawn its objections.

The County Footpaths Officer has raised some concerns regarding impact on public right of way P90 and advises that alterations are required to the route of the right of way which can be secured by condition.

The Council's Footpaths Officer requested further information relating to the routes of nearby public footpaths but has made no further comments.

Third Party Representations

No letters of representation have been received.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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

The 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)

Paragraphs 18 and 19 (Building a strong, competitive economy)

Paragraphs 24 and 25 (Ensuring the vitality of town centres)

Paragraph 28 (Supporting a prosperous rural economy)

Paragraphs 32 and 34 (Promoting sustainable transport)

Paragraphs 57, 61 and 64 (Requiring good design)

Paragraph 75 (Promoting healthy communities)

Paragraphs 109, 118, 119, 120 and 123 (Conserving and enhancing the natural environment)

Paragraphs 129, 131, 132 and 134 (Conserving and enhancing the historic environment)

Paragraph 203 (Planning conditions and obligations)

North West Leicestershire Local Plan:

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 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 S3 - Countryside
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy E24 - Re-Use or Adaptation of Rural Buildings
Policy F1 - National Forest General Policy
Policy F2 - Tree Planting
Policy F3 - Landscaping and Planting
Policy T3 - Highway Standards
Policy T8 - Parking
Policy T13 - Cycle Parking

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in favour of sustainable development
Policy S2 - Future housing and economic development needs
Policy S3 - Settlement Hierarchy
Policy S4 - Countryside
Policy S5 - Design of New Development
Policy Ec9 - Town and Local Centres: Hierarchy and Management of Development
Policy IF4 -Transport Infrastructure and New Development
Policy IF7 - Parking Provision and New Development
Policy EN1 - Nature Conservation
Policy EN2 - River Mease Special Area of Conservation
Policy EN3 - The National Forest
Policy EN6 - Land and Air Quality
Policy HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
Policy CC2 - Sustainable Design and Construction
Policy CC4 -Sustainable Drainage Systems

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
The Community Infrastructure Levy Regulations 2010

6Cs Design Guide (Leicestershire County Council)

6. Assessment

The main issues for consideration in the determination of this application relate to the principle and sustainability of the development, its impact on the historic environment and its impact on the character and visual amenities of the area, highway safety, public rights of way, protected species and the River Mease Special Area of Conservation/SSSI.

Principle and Compliance with Policy E24

The application site is located outside the Limits to Development where permission for new development would not normally be granted unless it is for the re-use, adaptation or conversion of rural buildings and other specific uses as set out in Policy S3 of the North West Leicestershire Local Plan. Policy E24 of the Local Plan also applies.

Under Policy E24 there is no requirement for a consideration of alternative uses for the buildings if an employment use is proposed, as is the case in this instance.

A Structural Report has been submitted which details the current state of the buildings and the repairs and remedial works required as part of the conversion. The report indicates that the traditional buildings are in relatively poor condition due to lack of maintenance and significant failings to their external walls and that there would be a need for substantial rebuilding works. The more modern buildings are generally in good condition although some of their external walls and roofs may need replacing. It is therefore considered that the modern buildings are structurally sound and would comply with criterion (i) of Policy E24. However the traditional buildings are generally not structurally sound and the level of works that would be required to make them so means that the buildings cannot be converted without major reconstruction and significant alteration and therefore the proposal would be contrary to criteria (i) and (ii) of Policy E24. A new building for office use is also proposed which would not fall within the types of use set out under Policy S3. However in this case the traditional buildings are listed buildings and therefore their repair and bringing back into use is a material consideration which must be weighed in the balance against non-compliance with Policy E24. Impact on the listed buildings is considered separately further below in this report.

Offices fall within the definition of main town centre uses as set out in the NPPF and as such a sequential approach should be taken to such development. However the NPPF goes on to state that the sequential approach should not be adopted for small scale rural offices and therefore given the scale of the office element would not apply in this case.

Sustainability

The site is located outside Measham and is poorly related to the village, with the nearest bus stop being located approximately 1km away. Therefore employees and any visitors are likely to travel to and from the site by private car.

However at paragraph 17 the NPPF advises that planning should support sustainable economic development to deliver business and industrial units and at paragraph 28 encourages economic growth in rural areas, in particular the sustainable growth and expansion of businesses through the conversion of existing buildings. The proposal will make use of existing buildings some of which are listed buildings in need of a substantial level of repair. Therefore the use/re-use of existing rural buildings would not be contrary to Policies S3 and E24 of the Local Plan and this outweighs the site's unsustainable location.

Historic Environment

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess. Paragraph 131 of the NPPF requires, amongst other things, new development to make a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework stipulates that, 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 main farmhouse and ancillary traditional outbuildings, including those that are the subject of this application, are Grade 2 listed buildings and are therefore designated heritage assets. Therefore the impact of the development on the setting and features of interest of the listed buildings, along with the desirability of preserving the building, should be given special regard as required by the 1990 Act. As noted earlier in the report the modern barns are not considered to be listed as they are not attached to any part of the listed buildings and appear to have been constructed after 1948.

Measham Lodge Farm dates to the early 18th century and appears to have been part of the estate of Appleby Hall as it was sold at auction in 1888 (Appleby Hall Estate Sale Catalogues). The barns are also considered to date from the 18th century and comprise a former bull pen, mill, mangle building and worker's cottage/stables. The buildings are generally in a poor state of repair but retain many original elements, including the timber to the roofs, lime ash and brick flooring and internal and external openings and detailing. It is therefore considered that the traditional barns form a fine range of historic outbuildings and play a major role in the setting and understanding of the historic importance of the farmhouse and associated land uses, and although largely in a poor state of repair they remain an important part of the site. Therefore the buildings form an important part of the history of this locality and are considered to be a heritage asset of some significance which has value for this and future generations.

The modern barns are positioned separately from the range of traditional buildings. Their overall scale and form would largely remain unchanged and it is therefore considered that works to Buildings 9 and 10 would not adversely affect the setting of the listed buildings and would result in less than substantial harm to their setting.

The buildings form an important part of the setting of the principal listed building due to their historic relationship and their position on the site. As noted earlier in the report the traditional buildings are in poor condition and substantial rebuilding works would be required. Furthermore a building would also be built in the place of a previous building on its original footprint. The level of intervention would be significant and above the level normally considered suitable and would include the removal and re-laying of roof coverings, the taking down and rebuilding of several walls, the removal and re-building of internal floors, replacement of a substantial number of timber rafters and battens, the strengthening of roof trusses with steelwork, provision of better lateral restraints to walls, masonry reinforcement and repairs to walls. However the Conservation Officer considers that such is the quality of the range that in this case the level of intervention could be supported. In addition the majority of existing external openings would be used, save for where the new Building 11 would be attached to Building 6 and limited new openings are proposed, except for some additional rooflights and the provision of new openings in two of the elevations to Building 7. Existing external detailing is also proposed to be retained. The Conservation Officer therefore considers that the conversion works would respect the robust agricultural origins of the buildings.

Justification has also been provided for the erection of a new building as part of the proposal, which would adjoin Buildings 6 and 7 to reinstate a courtyard which was previously in existence as evidenced by the existence of the footprint of a previous building in this location and a photograph dating from 1954 showing a building in this location. The new building would replicate the scale and form of the former building and the recreation of this courtyard would reflect a traditional feature of Leicestershire farmsteads. The Conservation Officer supports the new building given the level of intervention elsewhere on the site.

On this basis extensive works would be required to bring the buildings back into use and their setting and their features of special architectural or historic interest would be adversely affected as such a large proportion of the buildings would need to be removed and rebuilt. However given their historic importance it is considered that this level of intervention can be justified in this case, in particular as it would result in the buildings remaining and/or being rebuilt to their current footprint, form and scale, their historic relationship with and their contribution to the setting of the farmhouse and other traditional buildings being retained, their current design largely being replicated, the re-use of existing materials and their bringing back into use. The 1990 Act requires special regard to be had to the desirability of preserving listed buildings along with their setting and features of interest. Paragraph 131 of the NPPF states that the '*...the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...*' should be taken into account and at paragraph 132 that i '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. In this case the proposal would comply with these requirements of the 1990 Act and the NPPF and the significance of the listed buildings would be retained, 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 bringing back into use of the listed buildings and their rebuilding/repair resulting in the buildings retaining their historic form and importance and their relationship with and setting to the principal listed building.

Visual Impact

The traditional buildings alongside the farmhouse make a positive contribution to the character of the area as they are a form of development that would traditionally be found in a rural area although they are not particularly prominent in the landscape due to screening from other buildings. The more modern buildings make less of a contribution due to their scale and design although they are more prominent. As the overall form and scale of both the traditional and modern buildings would be retained and the new building would be sited well within the site, it is considered that the proposals would not be significantly detrimental to the rural character of the locality.

Highway Safety

The site access leads off Gallows Lane which is a classified road subject to a 60mph speed limit. A Highways Statement accompanies the application which includes the results of a speed survey and an analysis of traffic movements.

The County Highway Authority initially recommended refusal on the following grounds:

1. *The proposal, if permitted, would lead to a significant increase in turning traffic using an*

access onto a busy, unrestricted (60mph) Class II (B4116) road where the turning manoeuvres would be an additional source of danger to road users which would not be in the interests of highway safety.

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

Matters pertaining to the second reason for refusal have been considered earlier in the report in the section entitled 'Sustainability'. It was initially considered that the repair and bringing back into use of the listed buildings would outweigh the Highway Authority's concerns regarding highway safety, but that there were unlikely to be any material considerations that would outweigh these concerns in respect of Buildings 9 and 10.

Additional information relating to vehicle movements associated with the proposed uses and the agricultural operation of the site has been submitted by the agent. Furthermore the agent has suggested that the planning permission relating to a military vehicle storage area located elsewhere within the Measham Lodge Farm site (13/00205/FUL) (which was previously used in connection with the Tankmania site located on the eastern side of Gallows Lane but is no longer in such use as the vehicles are now stored at the Tankmania site itself) could be extinguished via the use of a legal agreement (the Council's solicitors have been instructed in respect of this matter), along with the closure of the access to this former storage area located further to the north along Gallows Lane. Information relating to the likely vehicle movements from the future use of this storage area has also been provided. The agent has also suggested that a condition be imposed which removes permitted development rights for the further erection of agricultural buildings on land within the applicant's ownership. It is considered reasonable in this case to impose such a condition and another preventing future changes of use of the buildings given that the issues relating to highway safety are finely balanced and other more intensive uses of the buildings or additional agricultural buildings could generate a greater level of traffic.

Following further consideration of this information, the Highway Authority advised that if the general industrial (B2) use of Buildings 9 and 10 was removed from the application it would be more likely to support the proposal.

In light of the above considerations, the Highway Authority has made the following further comments:

- The Highway Authority would normally seek to resist development that would lead to the increase of traffic turning onto a high speed A or B-road;
- The Highway Authority has therefore undertaken a desk exercise using the TRICS database to attain the potential increase in traffic that the proposal could lead to. The Highway Authority finds it reasonable to suggest that the current farm use and the use of the 400 square metre area storage and maintenance use (permitted under 13/00205/FUL) would create around 85 trips per day;
- On the basis of the submitted plans, it is clear that the agricultural use of the farm is to remain in use and it is therefore reasonable to suggest that the proposal could potentially create an increase as shown below:
 - o The proposed B1 and B2 including the existing farm use, could create around 124 trips per day;;

- o The proposed B1 and B8 including the existing farm use, could create around 104 trips per day
- The Highway Authority therefore finds it appropriate to suggest that even with the removal of the proposal for B2 use, that the B1 and B8 uses alongside the existing use will still lead to an increase in traffic above the current traffic flows of the farm and the 400 square metre area for storage and maintenance use;
- In addition, following discussions between the applicant and NWLDC, the applicant has agreed to a condition to close up the secondary access to the site which is seen as a highway gain due to being able to reduce the number of accesses onto a high-speed road. The legal agreement to extinguish the permission for the 400 square metres area for storage and maintenance use would also reduce the amount of traffic turning on a high-speed road;
- The application has therefore been amended as follows:
 - o Remove the B2 use from the proposal;
 - o Closing of the secondary access to the site;
 - o Legal agreement to extinguish the 400 square metres area for storage and maintenance use;
 - o Undertake improvements to the site access as required by conditions.

Taking into consideration all of the above, the Highway Authority advises that the proposals are acceptable, subject to conditions and it has withdrawn both its objections.

Public Right of Way

Public right of way P90 runs along the access drive before turning north where its route is affected by the position of one of the buildings at the site which does not form part of the current application. The County Footpaths Officer is concerned that the proposal would result in considerable intensification of use of the access drive which would have an impact on the enjoyment of users of the right of way as well as their safety. The County Footpaths Officer goes onto suggest that means of mitigating against the impact on users of the right of way need to be incorporated along the access drive although the preference would be for the right of way to be diverted away from the access drive. The County Footpaths Officer has also advised that segregating users of the public right of way from the access drive would require a Diversion Order but the provision of an additional two metre wide verge adjacent to the access drive would not require such an Order. The agent has submitted a scheme which includes a grass verge alongside the access drive which would allow users of the right of way to proceed safely if traffic was using the driveway and comments are awaited from the County Footpaths Officer which will be reported on the Update Sheet.

The positioning of one of the buildings at the site across the route of the public right of way is not a matter that can be considered as part of this application and would be dealt with under separate legislation.

The County Footpaths Officer also advises that public footpath P85 also crosses Gallows Lane approximately 100 metres to the south of the access drive and any alterations to the visibility splays from the access should consider pedestrians crossing the road. The Highway Authority has not suggested any conditions which require amended splays to be provided.

Protected Species

Extensive works are proposed to the existing buildings and the site and is adjacent to open fields with hedgerows, which 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. A bat

survey of the buildings has been submitted which found no evidence of bats and the buildings were considered to be of low potential for bats. The County Ecologist has no objections and advises that no further surveys are required. A condition can be imposed relating to breeding birds. The majority of the works would be to existing buildings and would be well contained within the site. The likely extension of the route of the public right of way would result in the use of a small part of the adjacent field. On this basis it is considered that protected species would not be adversely affected by the proposal.

Impact on the River Mease SAC/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.

The application indicates that the foul drainage would be treated by a package treatment plant with soakaways located to the south west of the proposed office buildings and surface water would discharge to an existing system where it is piped to a sump and into an open ditch. Such plant treats the waste and discharges some of its contents into the ground via soakaways, with some remaining within the tank which should be collected and disposed of by a licensed collector. The discharge into the ground from the plant or its emptying at a sewage treatment works within the SAC catchment area could adversely affect the River Mease SAC.

The Environment Agency has no objections as there is not a mains sewer within a reasonable distance of the site. Natural England has no objections subject to conditions including requiring the applicant to obtain the relevant permit from the Environment Agency should the discharge rate increase above a certain level. Such a condition could not be imposed as this matter is dealt with by separate legislation and Natural England has advised they are satisfied with this.

The management of non-mains drainage systems is dealt with by the Environment Agency as 'competent authority' under the Environmental Permit system. Furthermore the Authority's ecological advisors have advised that legal agreements are not required for the emptying of package treatment plants as they are usually emptied no more than once a year and none of the Severn Trent Water treatment works in the SAC catchment area accept waste from licensed waste collectors. Severn Trent Water has confirmed that waste from such tanks does not go to any of the Severn Trent Water Waste Treatment Works within the SAC catchment area and that this arrangement will continue in perpetuity. It is considered that the package treatment plant/soakaways would be too far away from any watercourse for any of its discharge to adversely affect the SAC. There would be no increase in surface water runoff as no additional roofs/hardstanding is proposed and the surface water drainage scheme can be secured by condition. It is considered reasonable to impose a condition removing permitted development rights in this case as more intensive uses of the buildings could adversely impact on the SAC.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely 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 proposal is likely to increase the level of activity along the access drive and within the site as a result of comings and goings and noise from use of the storage buildings and activity on the site. No extensions are proposed to any of the buildings, their existing heights would be retained and the new building would be single storey. The nearest dwelling is the farmhouse at the site, which is in the applicant's ownership. In addition the office buildings are at least 10 metres from the farmhouse and the storage buildings are at least 40 metres away with the access drive over 20 metres away. The next nearest dwelling is Coronet House which is located 300 metres to the south. On this basis it is considered that the proposal would not adversely affect the residential amenities of occupiers of these dwellings from noise and disturbance or from loss of light, overlooking or creation of an oppressive environment.

The Environmental Services Manager has requested the imposition of conditions relating to contaminated land.

Conclusion

The listed buildings cannot be converted without major reconstruction and significant alteration so the proposal does not completely comply with Policy E24. However the proposal only fails to comply with one part of Policy E24 and as noted above will result in the repair and re-use of a Grade 2 listed building which is a designated heritage asset. The use/re-use of existing rural buildings also outweighs the site's unsustainable location. The less than substantial harm to the heritage asset is in this case considered on balance to be outweighed by the bringing back into use of the listed buildings and their rebuilding/repair resulting in the buildings retaining their historic form and importance and their relationship with and setting to the principal listed building. The proposal would not result in adverse impacts on the character and visual amenities of the area, on protected species or on residential amenities. The County Highway Authority's concerns regarding highway safety have been addressed by mitigation measures and the potential for impact on the public footpath could be addressed by condition. It can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION- PERMIT, subject to the following condition(s) and the signing of a legal agreement:

(subject to no contrary observations by 8 October 2015)

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

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

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

- Location Plan (1:5000) received by the Local Planning Authority on 1 July 2015;
- Drawing No. MLF-BLK-021. Rev F (Site - Block - Roof Plan - with red line boundary)

received by the Local Planning Authority on 1 July 2015;

- Drawing No. MLF.EXP.001 (Barn 4 - Existing Plans/Section) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.EXE.002 (Barn 4 - Existing Elevations) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.PRP.013 Rev B (Barn 4 Proposed Plan) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.PRP.014 Rev B (Barn 4 Proposed Elevations) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.EXP.003 (Barn 6 - Existing Plans/Sections) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.EXE.004 (Barn 6 - Existing Elevations) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.PRP.015 Rev A (Barn 6 Proposed Plan) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.PRP.016 Rev A (Barn 6 Proposed Elevations) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.EXP.005 (Barn 7 - Existing Plan, Elevations and Section) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.PRP.017 Rev A (Barn 7 Proposed Plans and Elevations) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.EXP.009 (Barn 9 - Existing Plan) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.EXE.010 Rev A (Barn 9 - Existing Elevations) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.PRE.022 (Barn 9 - Proposed Elevations) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.PRP.23 (Barn 9 - Proposed Plan) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.EXP.011 (Barn 10 - Existing Plan) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.EXE.012 Rev A (Barn 10 - Existing Elevations) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.PRE.024 (Barn 10 - Proposed Elevations) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.PRP.25 (Barn 10 - Proposed Plan) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.EXP.006 (Barn 11 - Existing Plans) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.PRP.019 (Barn 11 Proposed Plan) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.PRP.020 Rev A (Barn 11 Proposed Elevations) received by the Local Planning Authority on 12 June 2015;
- Drawing No. MLF.DRA.026 (Indicative Drainage Strategy) received by the Local Planning Authority on 12 June 2015;
- Drawing No. DSO468P Issue 3 (BD/BE Biodisc General Dimensions Customer Drg) received by the Local Planning Authority on 12 June 2015.

Reason- To determine the scope of this permission.

- 3 No development shall commence on site until such time as a full inventory of all internal and external works to Buildings 4, 6 and 7 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- in the interests of preserving the setting and important features of the listed buildings.

- 4 No development shall commence on site in respect of each of Buildings 4, 6, 7 and 11 until such time as details/drawings/representative samples (as appropriate) of the following details for the relevant building:-
- i. bricks, lime mortar type and brick bond;
 - ii. roof materials;
 - iii. proposed timber door and window units and rooflights (including cross-sections), to a scale of 1:10 and details of their type and colour of paint finish;
 - iv. proposed treatment to the headers/arches and cills of all door and window openings, to a scale of 1:10;
 - v. fascias, verges and eaves to a scale of 1:10;
 - vi. all rainwater goods, including colour and materials;
 - vii. any other external materials;
 - viii. materials for internal floors;
 - ix. design of replacement roof timbers/trusses/beams to a scale of 1:10;
 - x. retention of existing external and internal features;
 - xi. the recessing of the doors/windows to the east elevation of Building 7;

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

Reason- to enable the Local Planning Authority to retain control over the external appearance in the interests of preserving the setting and important features of the listed buildings.

- 5 No development shall commence on site in respect of each of Buildings 9 and 10 until such time as details of new/replacement external materials 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: in the interests of visual amenities and the setting of the listed buildings as precise details have not been provided.

- 6 Before first occupation of any part of the development hereby approved, details of a soft and hard landscaping scheme and boundary treatments 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 occupation of any part of the development hereby approved and the hard landscaping and boundary treatments shall be provided before first occupation of any part of the development hereby approved, unless alternative implementation timescales 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.

- 7 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.

- 8 Notwithstanding the provisions of Part 7 (Classes F, G, H and J) 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 part of the development hereby permitted shall be enlarged, improved or altered 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 buildings being listed buildings or in close proximity to listed buildings.

- 9 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) Buildings 4, 6, 7 and 11 shall only be used for Class B1 office use and Buildings 9 and 10 shall only be used for Class B8 storage and distribution use and for no other uses whatsoever.

Reason: alternative uses could also result in other adverse planning impacts in relation to impact on the River Mease SAC/SSSI and on highway safety.

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no agricultural buildings shall be erected on the land edged in red and blue on the 1:5000 Location Plan.

Reason: To ensure replacement buildings are not erected which could give rise to an unacceptable increase in traffic using the access.

- 11 Other than connection to the proposed biodisc treatment plant shown on Drawing No. MLF.DRA.026 (Indicative Drainage Strategy) and Drawing No. DSO468P Issue 3 (BD/BE Biodisc General Dimensions Customer Drg) no foul drainage system (including connection to the mains sewer system or installation of a cesspool, septic tank or on-site sewage treatment plant) shall be installed to serve the development hereby approved until details of the proposed drainage system have been submitted to and agreed in writing by the Local Planning Authority. Once the agreed drainage system has been installed it shall thereafter be so retained.

Reason: to prevent an adverse impact on the River Mease Special Area of Conservation.

- 12 Before the replacement or new roof materials are installed to any of the buildings, the surface water drainage scheme shall be provided in accordance with the details shown on Drawing No. MLF.DRA.026 (Indicative Drainage Strategy) which shall thereafter be so retained in perpetuity.

Reason: to prevent an adverse impact on the River Mease Special Area of Conservation.

- 13 Operations that involve the removal of roofs/walls or parts of roofs/walls to buildings on the site shall not be undertaken during the months of March to September inclusive unless otherwise submitted to and agreed in writing by the Local Planning Authority that

breeding birds will not be adversely affected by any works.

Reason: to reduce the impact of the proposal on nesting birds, which are a protected species.

- 14 Notwithstanding the submitted plans, no development shall commence on site until such time as a scheme for the provision of a two metre wide grass verge on the northern side of the access drive (taking into account the widening requirements set out under condition 20) has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be provided in full before the bringing into use of any part of the development hereby approved and shall thereafter be so retained.

Reason: to protect the enjoyment and safety of users of the public right of way.

- 15 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 agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and timetable.

Reason: to ensure that construction traffic/site traffic associated with the development does not become a hazard to road users.

- 16 Notwithstanding the submitted plans, before any part of the development hereby approved is first brought into use, details of parking provision for a minimum of forty car parking spaces, three lorry parking spaces and five covered cycle stands are to be provided within the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be provided, hard surfaced and made available for use before any part of the development is brought into use and shall thereafter be permanently so retained.

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.

- 17 Before first use of any part of the development hereby permitted, the existing gates to the vehicular access shown on Drawing No. MLF.BLK.021 Rev F (Site - Block - Roof Plan) shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructions shall be set back a minimum distance of 15 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 and pedestrians in the public highway.

- 18 Within one month of the access onto Gallows Lane serving the development hereby approved being brought into use in connection with either the B1 or B8 uses hereby approved, the existing northern vehicular access to the site onto Gallows Lane (which is shown on the 1:5000 Location Plan within the blue-lined land) shall be closed permanently and the vehicular crossings reinstated in accordance with a scheme that has first have been submitted to and agreed in writing by the Local Planning Authority

Reason: To protect footway users in the interests of pedestrian safety, and to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

- 19 Before first use of any part of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including from the access drive, which 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.

- 20 Before first use of any part of the development hereby permitted, the following shall be provided to the vehicular access to the site which shall thereafter be so retained:
- (i) widening to an effective minimum width of six metres over a distance of at least 15 metres behind the highway boundary. 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.
 - (ii) 10 metre control radii on both sides of the access;
 - (iii) surfacing with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and to afford easy access to the site and protect the free and safe passage of traffic in the public highway; To ensure that vehicles entering and leaving the site may pass each other clear of the highway; To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

- 21 Before first use of any part of the development hereby permitted, turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.

Reason: To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

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

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

- 23 No development 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:
- o BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
 - o BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
 - o BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
 - o 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 or should any need for remedial works relating to coal mining legacy issues be identified, a Remedial Scheme and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority before development commences on site. The Remedial Scheme shall be prepared in accordance with the requirements of:

- o 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:

- o Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- o 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 or evidence of coal mining legacy 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 the NPPF.

24 Prior to occupation of any part of the 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:

- o Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- o Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- o 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;
- o Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- o Demonstrate the effectiveness of the approved Remedial Scheme; and
- o 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 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 2015 (as amended).
- 2 This permission is subject to a Section 106 Agreement relating to the extinguishing of any use associated with planning permission 13/00205/FUL.
- 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 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, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
- 5 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 6 A public footpath / bridleway crosses the site and this must not be obstructed or diverted without obtaining separate consent from Leicestershire County Council.
- 7 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.
- 8 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
- 9 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

Conversion and re-development of barns to form four offices
(listed building consent)

Report Item No
A6

Measham Lodge Farm Gallows Lane Measham Swadlincote
Leicestershire DE12 7HA

Application Reference
15/00587/LBC

Applicant:
Mr And Mrs A Garland

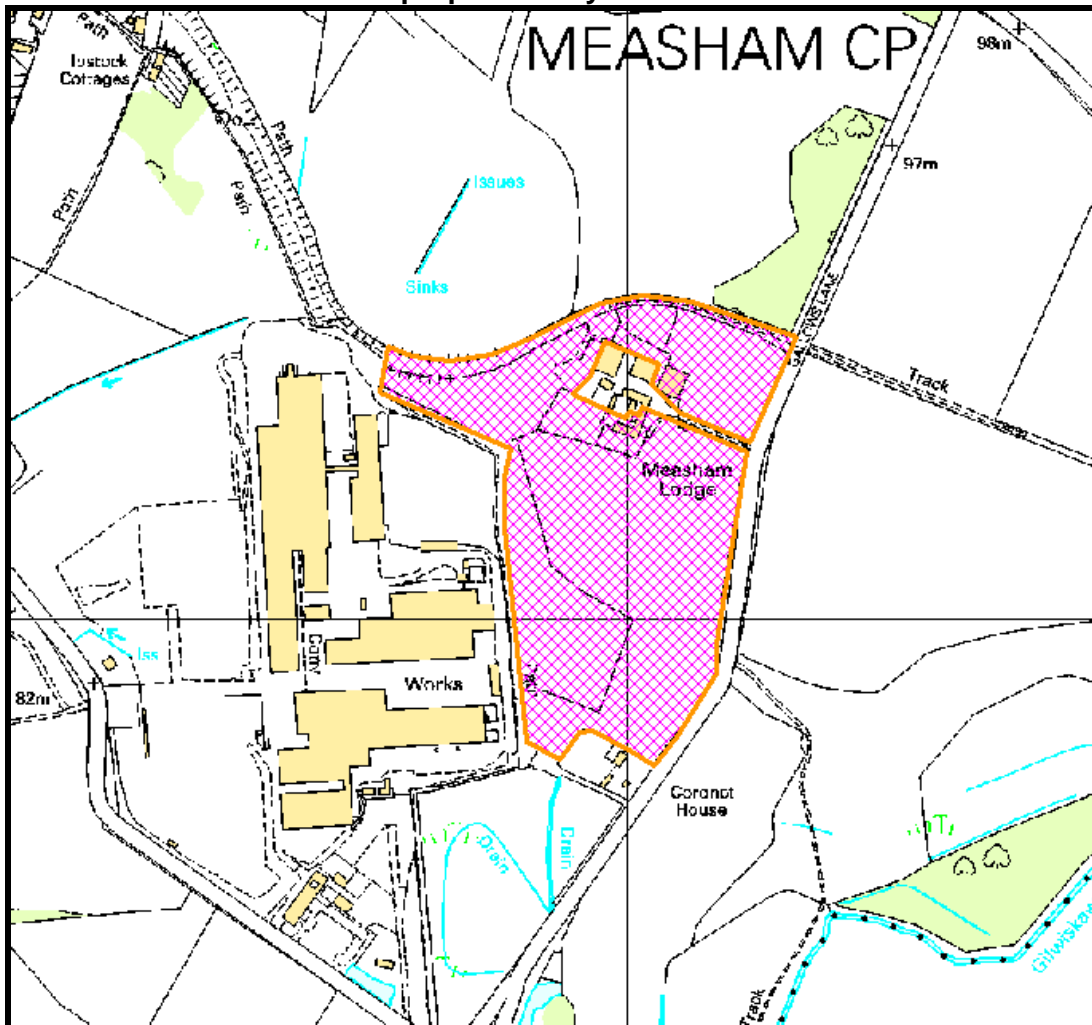
Date Registered
16 June 2015

Case Officer:
Jenny Davies

Target Decision Date
11 August 2015

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

This application is reported to Members of the Planning Committee as the agent is related to Councillor Richard Blunt.

Proposal

Listed building consent is sought for the conversion and redevelopment of barns to form four offices at Measham Lodge Farm, Gallows Lane, Measham. The buildings that are the subject of this application relate to a group of older traditional barns located to the north of the farm house. Measham Lodge Farm is a Grade 2 listed building and an application for planning permission for these works has been submitted concurrently.

Consultations

No letters of representation have been received from members of the public and the Conservation Officer has no objections.

Planning Policy

Chapter 12 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation) Act 1990 are relevant.

Conclusion

The less than substantial harm to the heritage asset is in this case considered on balance to be outweighed by the bringing back into use of the listed buildings and their rebuilding/repair resulting in the buildings retaining their historic form and importance and their relationship with and setting to the principal listed building. It is therefore recommended that listed building consent be granted.

RECOMMENDATION- PERMIT, subject to the following condition(s)

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

Listed building consent is sought for the conversion and redevelopment of barns to form four offices at Measham Lodge Farm, Gallows Lane, Measham. An application for planning permission for a similar proposal has been submitted concurrently and is also to be considered at this Planning Committee (15/00497/FUL).

Measham Lodge Farm is a Grade 2 listed building and the traditional buildings located to the rear of the farm house (including those that are the subject of this application) are listed by virtue of their relationship with the principal listed building. The listing description states:

House of earlier C18, with c.1800 wings. Red brick, Flemish bond, with brick dentilled eaves and twin-span roof of C20 tiles with four rebuilt end stacks. Wing to right, of Measham gobs with slate roof. Gauged brick lintels and ground floor stone sills. Main range front of 2 storeys: first floor, three windows, 3 light casements with central 2-light, all with top lights. Central oeil-de-boeuf above. Ground floor, three 2/2 sashes, one added c.1800. C20 canopied doorcase with overlight. 1 storey extension left end. Wing, side facing, 2 storeys, upper original blank window, lower a 2/2 sash. End has dentilled pediment band and recessed giant arch below, with gauged brick arch and tripartite 2/2, 6/6, 2/2 sash both floors. To rear, an early C19 extension with plain tiled roof and ridge stack. 2 storeys of two 3-light casements with cambered lintels. Main range rear as front with sash replacing 3-light, and C20 porch. Interior: C18 staircase, 6-panelled doors, beams and two inglenooks. The wing is almost certainly the only example of the use of Measham gobs on an elegant house remaining uncovered.

The site is located on the western side of Gallows Lane and is surrounded by open fields. The buildings that are the subject of this application form a group of older traditional barns located to the north of the farm house (Buildings 4, 6, 7 and 11). Another group of traditional barns located closer to the farmhouse and the modern buildings on the northern side of the farm complex do not form part of the application. The modern buildings are not considered to be listed as they are not attached to any part of the listed building and appear to have been constructed after 1948.

Elements of the older buildings would need to be rebuilt as they have either been demolished or are in a poor state of repair, in particular a building which formed three sides of a farmyard area and is no longer in existence would be replaced on a similar footprint by Building 11. The majority of existing openings would be utilised with some new openings proposed.

2. Publicity

2 Neighbours have been notified (Date of last notification 18 June 2015)

Site Notice displayed 19 June 2015

Press Notice published 24 June 2015

3. Consultations

Measham Parish Council consulted 18 June 2015
Nwldc Conservation Officer

4. Summary of Representations Received Statutory Consultees

Measham Parish Council has no objections.

The Council's Conservation Officer has no objections.

Third Party Representations

No letters of representation have been received.

5. Relevant Planning Policy National Planning Policy Framework (NPPF) - March 2012

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

The 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)

Paragraphs 129, 131, 132 and 134 (Conserving and enhancing the historic environment)

North West Leicestershire Local Plan:

There are no saved policies in the North West Leicestershire Local Plan that are relevant to this proposal.

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment

Other Guidance

National Planning Practice Guidance - March 2014

6. Assessment

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess. Paragraph 131 of the NPPF requires, amongst other things, new development to make a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework stipulates that, 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 main farmhouse and ancillary traditional outbuildings, including those that are the subject of this application, are Grade 2 listed buildings and are therefore designated heritage assets. Therefore the impact of the development on the setting and features of interest of the listed buildings, along with the desirability of preserving the building, should be given special regard as required by the 1990 Act. As noted earlier in the report the modern barns are not considered to be listed as they are not attached to any part of the listed buildings and appear to have been constructed after 1948.

Measham Lodge Farm dates to the early 18th century and appears to have been part of the estate of Appleby Hall as it was sold at auction in 1888 (Appleby Hall Estate Sale Catalogues). The barns are also considered to date from the 18th century and comprise a former bull pen, mill, mangle building and worker's cottage/stables. The buildings are generally in a poor state of repair but retain many original elements, including the timber to the roofs, lime ash and brick flooring and internal and external openings and detailing. It is therefore considered that the traditional barns form a fine range of historic outbuildings and play a major role in the setting and understanding of the historic importance of the farmhouse and associated land uses, and although largely in a poor state of repair they remain an important part of the site. Therefore the buildings form an important part of the history of this locality and are considered to be a heritage asset of some significance which has value for this and future generations.

The buildings form an important part of the setting of the principal listed building due to their historic relationship and their position on the site. As noted earlier in the report the traditional buildings are in poor condition and substantial rebuilding works would be required. Furthermore a building would also be built in the place of a previous building on its original footprint. The level of intervention would be significant and above the level normally considered suitable and would include the removal and re-laying of roof coverings, the taking down and rebuilding of several walls, the removal and re-building of internal floors, replacement of a substantial number of timber rafters and battens, the strengthening of roof trusses with steelwork, provision of better lateral restraints to walls, masonry reinforcement and repairs to walls. However the Conservation Officer considers that such is the quality of the range that in this case the level of intervention could be supported. In addition the majority of existing external openings would be used, save for where the new Building 11 would be attached to Building 6 and limited new openings are proposed, except for some additional rooflights and the provision of new openings in two of the elevations to Building 7. Existing external detailing is also proposed to be retained. The Conservation Officer therefore considers that the conversion works would respect the robust agricultural origins of the buildings.

Justification has also been provided for the erection of a new building as part of the proposal, which would adjoin Buildings 6 and 7 to reinstate a courtyard which was previously in existence as evidenced by the existence of the footprint of a previous building in this location and a photograph dating from 1954 showing a building in this location. The new building would replicate the scale and form of the former building and the recreation of this courtyard would reflect a traditional feature of Leicestershire farmsteads. The Conservation Officer supports the new building given the level of intervention elsewhere on the site.

On this basis extensive works would be required to bring the buildings back into use and their setting and their features of special architectural or historic interest would be adversely affected as such a large proportion of the buildings would need to be removed and rebuilt. However given their historic importance it is considered that this level of intervention can be justified in this case, in particular as it would result in the buildings remaining and/or being rebuilt to their current footprint, form and scale, their historic relationship with and their contribution to the

setting of the farmhouse and other traditional buildings being retained, their current design largely being replicated, the re-use of existing materials and their bringing back into use. The 1990 Act requires special regard to be had to the desirability of preserving listed buildings along with their setting and features of interest. Paragraph 131 of the NPPF states that the '*...the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation...*' should be taken into account and at paragraph 132 that i '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. In this case the proposal would comply with these requirements of the 1990 Act and the NPPF and the significance of the listed buildings would be retained, 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 public benefits of bringing back into use of the listed buildings and their rebuilding/repair resulting in the buildings retaining their historic form and importance and their relationship with and setting to the principal listed building.

Conclusion

It is considered that the significance of the listed buildings would be retained, thereby resulting in less than substantial harm to this designated heritage asset. The less than substantial harm to the heritage asset is in this case considered on balance to be outweighed by public benefits.

RECOMMENDATION- PERMIT, subject to the following condition(s):

- 1 The works to which this consent relates shall begin not later than the expiration of three years from the date of this consent.

Reason- To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 2 The development shall be carried out strictly in accordance with the following schedule of plans, unless otherwise required by a condition of this permission:
 - Location Plan (1:5000) received by the Local Planning Authority on 1 July 2015;
 - Drawing No. MLF-BLK-021. Rev F (Site - Block - Roof Plan - with red line boundary) received by the Local Planning Authority on 1 July 2015;
 - Drawing No. MLF.EXP.001 (Barn 4 - Existing Plans/Section) received by the Local Planning Authority on 12 June 2015;
 - Drawing No. MLF.EXE.002 (Barn 4 - Existing Elevations) received by the Local Planning Authority on 12 June 2015;
 - Drawing No. MLF.PRP.013 Rev B (Barn 4 Proposed Plan) received by the Local Planning Authority on 12 June 2015;
 - Drawing No. MLF.PRP.014 Rev B (Barn 4 Proposed Elevations) received by the Local Planning Authority on 12 June 2015;
 - Drawing No. MLF.EXP.003 (Barn 6 - Existing Plans/Sections) received by the Local Planning Authority on 12 June 2015;
 - Drawing No. MLF.EXE.004 (Barn 6 - Existing Elevations) received by the Local Planning Authority on 12 June 2015;
 - Drawing No. MLF.PRP.015 Rev A (Barn 6 Proposed Plan) received by the Local

Planning Authority on 12 June 2015;
 - Drawing No. MLF.PRP.016 Rev A (Barn 6 Proposed Elevations) received by the Local Planning Authority on 12 June 2015;
 - Drawing No. MLF.EXP.005 (Barn 7 - Existing Plan, Elevations and Section) received by the Local Planning Authority on 12 June 2015;
 - Drawing No. MLF.PRP.017 Rev A (Barn 7 Proposed Plans and Elevations) received by the Local Planning Authority on 12 June 2015;
 - Drawing No. MLF.EXP.006 (Barn 11 - Existing Plans) received by the Local Planning Authority on 12 June 2015;
 - Drawing No. MLF.PRP.019 (Barn 11 Proposed Plan) received by the Local Planning Authority on 12 June 2015;
 - Drawing No. MLF.PRP.020 Rev A (Barn 11 Proposed Elevations) received by the Local Planning Authority on 12 June 2015.

Reason- To determine the scope of this permission.

- 3 No development shall commence on site until such time as a full inventory of all internal and external works to Buildings 4, 6 and 7 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- in the interests of preserving the setting and important features of the listed buildings.

- 4 No development shall commence on site in respect of each of Buildings 4, 6, 7 and 11 until such time as details/drawings/representative samples (as appropriate) of the following details for the relevant building:-
- i. bricks, lime mortar type and brick bond;
 - ii. roof materials;
 - iii. proposed timber door and window units and rooflights (including cross-sections), to a scale of 1:10 and details of their type and colour of paint finish;
 - iv. proposed treatment to the headers/arches and cills of all door and window openings, to a scale of 1:10;
 - v. fascias, verges and eaves to a scale of 1:10;
 - vi. all rainwater goods, including colour and materials;
 - vii. any other external materials;
 - viii. materials for internal floors;
 - ix. design of replacement roof timbers/trusses/beams to a scale of 1:10;
 - x. retention of existing external features;
 - xi. the recessing of the doors/windows to the east elevation of Building 7;

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

Reason- to enable the Local Planning Authority to retain control over the external appearance in the interests of preserving the setting and important features of the listed buildings.

Notes to applicant

- 1 Listed building consent 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 2015 (as amended).

Proposed erection of a pig shed

Report Item No
A7

Land At Junction Of Breedon Lane And Rempstone Road
Osgathorpe Loughborough Leicestershire LE12 9ST

Application Reference
15/00783/FUL

Applicant:
Mr David Platts

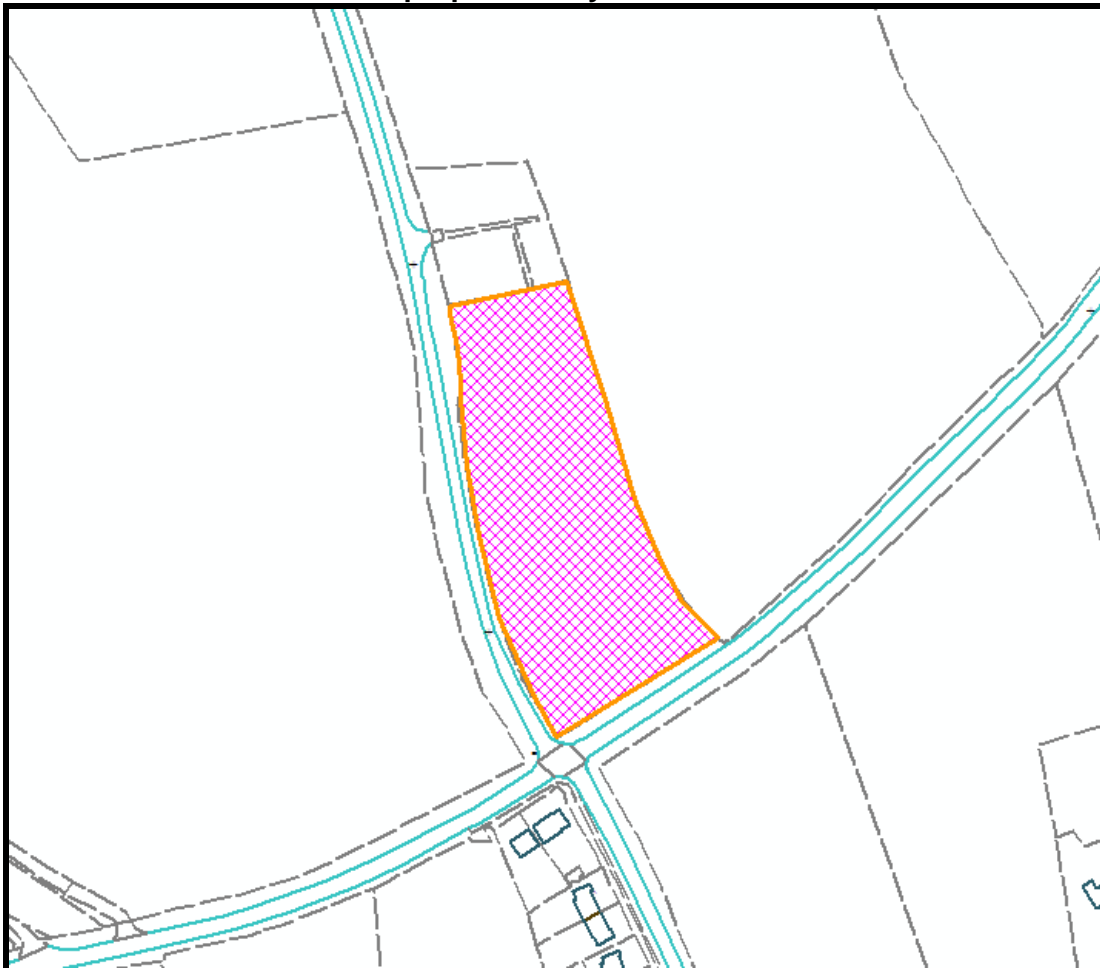
Date Registered
10 August 2015

Case Officer:
Adam Mellor

Target Decision Date
5 October 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 applicant is an employee of the Council.

Proposal

The application relates to the construction of a pig shed on land at the junction of Breedon Lane and Rempstone Road, Osgathorpe. It is noted that the site is currently utilised for agricultural purposes and existing buildings lie along the western boundary. The proposed building would have a floor area of 34.29 square metres and an overall height of 3.0 metres.

Consultations

No letters of representation from third parties have been received although Osgathorpe Parish Council have commented on the application. All other statutory consultees have no objections.

Planning Policy

It is considered that the development would remain compliant 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 other guidance.

Conclusion

The proposed pig shed is considered to be justified as being required for agricultural purposes given that it would assist in providing additional shelter for the specialist breeds of pigs which are to be introduced onto the site and as such the development would accord with Paragraph 28 of the NPPF and Policy S3 of the Local Plan.

There would be no detriment to the amenities of neighbouring properties given their proximity to the development and as such the proposal would accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

It is considered that the close association of the proposed shed with the existing built forms, as well as the use of the same materials, would ensure that it would not have a significantly adverse impact on the visual amenities of the rural environment or its attractive character and as such the development accords with Paragraph 61 of the NPPF as well as Policies E4 and E22 of the Local Plan.

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 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 erection of a pig shed at land at the junction of Breedon Lane with Remptone Road, Osgathorpe. The land in question is situated on the eastern side of Breedon Lane and slopes downwards from north to south. A vehicular access to the site is provided off Breedon Lane and the site is situated outside the defined limits to development, as identified in the North West Leicestershire Local Plan, and the surrounding area is predominately rural countryside although Osgathorpe cemetery lies to the north of the site.

The proposed pig shed would have a floor area of 34.29 square and an overall height (with use of a mono-pitched roof) of 3.0 metres. The shed would be situated against the western boundary of the site adjacent to the existing structures.

The relevant planning history of the site is as follows: -

- 13/00496/FUL - Installation of concrete floor to an existing pig pen - Approved 7th August 2013;
- 14/01125/FUL - Proposed erection of a pig shed - Approved 22nd January 2015.

2. Publicity

One neighbour has been notified (Date of last notification 12 August 2015)

Site Notice displayed 14 August 2015

3. Consultations

Osgathorpe Parish Council consulted 12 August 2015
 NWLDC Head of Environmental Protection

4. Summary of Representations Received

The following summary of representations is provided.

NWLDC - Environmental Protection has no objections.

Osgathorpe Parish Council views on the application are as follows: -

- *"There is concern regarding a lack of mains water on the site, which is not ideal for keeping livestock;"*
- *"There is also concern regarding the disposal of waste from the pigs considering it is next to the cemetery;"*
- *"The council would like to see a stipulation that there is no change of use allowed for this building;"*
- *"Finally, there are concerns about the gradual spread of buildings in the area;"*

Third Party Representations

No third party representations have been received.

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 61 (Requiring good design);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 123 (Conserving and enhancing the natural environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 206 (Planning conditions and obligations);

Adopted North West Leicestershire Local Plan (2002)

The application site is outside 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 S3 - Countryside;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E22 - Areas of Particularly Attractive Countryside;

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in Favour of Sustainable Development;
Policy S4 - Countryside;
Policy S5 - Design of New Development;
Policy IM1 - Implementation and Monitoring of the Local Plan;

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.

6. Assessment

No residential properties exist within the vicinity of the site and the proposals would have no adverse implications to highway safety. Accordingly the main considerations would relate to the

principle of the development and the implications to the character of the surrounding area.

Principle of the Development

Whilst the site is situated outside the defined limits to development it is noted that Policy S3 of the Local Plan, as well as Paragraph 28 of the NPPF, support agricultural developments and agricultural businesses.

The proposed pig shed is to be utilised by ten rare breed pigs (e.g. Saddle Back Pigs or Old Gloucester Spot Pigs) with the building being subdivided to house male and female pigs separately. Whilst buildings do currently exist on the site it is noted that two are used for the storage of machinery with two being stable type buildings which would not be suitable for pigs. A pig shed does exist on the site but this would not be of a scale which would allow it to accommodate a further 10 pigs. In these circumstances it is considered that justification exists for the provision of the relevant building to further support the agricultural business and as such the development would accord with Paragraph 28 of the NPPF and Policy S3 of the Local Plan.

Residential Amenity

As identified above no residential properties exist within 140.0 metres of the proposed building and given that the Council's Environmental Protection Officer has raised no objections it is considered that there would be no adverse impacts on residential amenities and as such the development accords with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

Design

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

Mature vegetation lies to the eastern, western and southern boundaries of the site with the screening to the northern boundary, shared with the cemetery, being less dense. The land levels on the site also slope downwards from north to south.

The proposed pig shed would be positioned along the western boundary of the site so that it would be closely associated with the existing built forms with the proposed structure being reasonably minor in scale. Given that justification exists for a further building on the site for the housing of pigs it is considered that its association with the existing built form would ensure that it would not impact significantly on the attractive character or openness of the rural landscape and would not feature prominently in existing views from within the area. The proposed construction materials, namely corrugated metal sheets over a metal and wood frame, would match the existing structures and would therefore have an acceptable appearance.

Overall, therefore, it is considered that the proposal would not impact significantly on the visual amenities of the rural environment and would therefore accord with Paragraph 61 of the NPPF and Policies E4 and E22 of the Local Plan.

Other Matters

In respect of the matters which are raised by Osgathorpe Parish Council, but are not covered above, it is considered that whether the site benefits from clean water facilities or not would not be a planning matter given that the use of the land is agricultural and therefore animals could occupy the land without planning permission. It is, however, noted that water butts exist as a

form of surface water drainage which could supply water for the drinking purposes of the animals.

The disposal of waste from the animals is also considered to not be a material consideration in the determination of the application given that the land is currently agricultural and as such waste from animals would not generally be controlled given that permission would not be required to have animals on the land.

Any agricultural building which would have the ability to convert to an alternative use as a form of permitted development, under the Town and Country Planning (General Permitted Development) (England) Order 2015 needed to be in place by the 3rd July 2012 or 20th March 2013, or constructed for a period of 10 years, and as such the structure would not freely benefit from the allowances for agricultural buildings stipulated in the above Order. In any event the building is not of a scale which would allow it to be readily converted to any of the uses identified within the above Order and as such the imposition of a condition restricting such uses would be unnecessary.

Summary Reasons for Granting Planning Permission

The proposed pig shed is considered to be justified as being required for agricultural purposes given that it would assist in providing additional shelter for the specialist breeds of pigs which are to be introduced onto the site and as such the development would accord with Paragraph 28 of the NPPF and Policy S3 of the Local Plan.

There would be no detriment to the amenities of neighbouring properties given their proximity to the development and as such the proposal would accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

It is considered that the close association of the proposed shed with the existing built forms, as well as the use of the same materials, would ensure that it would not have a significantly adverse impact on the visual amenities of the rural environment or its attractive character and as such the development accords with Paragraph 61 of the NPPF as well as Policies E4 and E22 of the Local Plan.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions;

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

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

- 2 The development shall be carried out in strict accordance with the Site Location Plan - Plan A (1:1250), Site/Block Plan - Plan B (1:500) and 'Erection of Pig Shed' Plan - Plan C (1:100), received by the Local Authority on the 10th August 2015, unless otherwise required by another condition of this permission.

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

- 3 The external materials to be used in the development hereby permitted shall be provided in strict accordance with those specified in the application and as shown on the 'Erection of Pig Shed' Plan - Plan C (1:100), received by the Local Authority on the 10th August 2015, unless alternative materials are first 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 2015.
- 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.

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