

Meeting	PLANNING COMMITTEE
Time/Day/Date	4.30 pm on Tuesday, 1 December 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 3 November 2015.	3 - 6
4. PLANNING APPLICATIONS AND OTHER MATTERS	
Report of the Head of Planning and Regeneration.	7 - 10



Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	<p>15/00456/OUTM: Residential care development including apartments and cottages and residential care home with associates car parking and landscaping (outline - details of access, appearance, landscaping, layout and scale reserved for subsequent approval)</p> <p>Willow Farm, Ashby Road, Moira, Swadlincote, Derby, DE12 6DP</p>	Permit Subject to a Section 106 Agreement	11 - 32
A2	<p>15/00541/OUTM: Development of up to 150 dwellings with open space, landscaping, access and other infrastructure work (outline - all matters reserved apart from part access)</p> <p>Site adjacent Computer Centre and Jct 24, Packington Hill, Kegworth, Derby, DE74 2DF</p>	Permit Subject to a Section 106 Agreement	33 - 44
A3	<p>15/00780/FUL: Demolition of existing dwelling and the erection of a single storey building to provide three units for use either as A1 (shops) or A5 (hot food takeaways)</p> <p>2 Ashby Road, Ibstock, Coalville, Leicestershire, LE67 6HA</p>	Permit Subject to a Section 106 Agreement	45 - 60
A4	<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 - 80
A5	<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	81 - 100

MINUTES of a meeting of the PLANNING COMMITTEE held in the Council Chamber, Council Offices, Coalville on TUESDAY, 3 NOVEMBER 2015

Present: Councillor D J Stevenson (Chairman)

Councillors R Adams, R Boam, R Canny, J Cotterill, J G Coxon, D Everitt, D Harrison (Substitute for Councillor J Bridges), J Houlton, R Johnson, G Jones, J Legrys and V Richichi

In Attendance: Councillors J Geary and T J Pendleton

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

68. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors G A Allman, J Bridges, N Smith and M B Wyatt.

69. DECLARATION OF INTERESTS

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

Councillor J Cotterill declared a non pecuniary interest in item A1, item number 15/0081/FUL as a member of Coleorton Parish Council.

Councillor M Specht declared a non pecuniary interest in item A1, item number 15/0081/FUL as the Chairman of Coleorton Parish Council.

Councillors R Boam, G Jones, V Richichi and D J Stevenson declared that they had been lobbied without influence in respect of item A1, application number 15/0081/FUL.

70. MINUTES

Consideration was given to the minutes of the meeting held on 6 October 2015.

It was moved by Councillor R Adams, seconded by Councillor D Everitt and

RESOLVED THAT:

The minutes of the meeting held on 6 October 2015 be approved and signed by the Chairman as a correct record.

71. 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.

72. A1 15/00881/FUL: ERECTION OF DETACHED DWELLING WITH DETACHED SINGLE GARAGE

Land To The South Of 1 Zion Hill Peggs Green Coleorton

Officer's Recommendation: Refuse

The Senior Planning Officer presented the report to Members.

Mr A Large, agent, addressed the Committee. He reported that the application was made by a local resident and would provide employment for a small local builder; therefore it would be good for the area. He pointed out that Peggs Green had seen sporadic development in recent years and this application did meet local housing need as a form of affordable housing. With regards to the sustainability of the site, he indicated that all of the seven services quoted within the report could be accessed via a footpath and five of the seven were within 495 metres. He added that the site was well related to existing dwellings and there were no highway objections. He concluded that in his opinion the site was a Brownfield site not a Greenfield site as stated within the report.

Councillor G Jones stated that he did not agree with the officer's recommendation, therefore he moved that the application be permitted. It was seconded by Councillor R Johnson.

Councillor G Jones went on to comment that he felt it was important to support small local builders as they often were specialised and had more expertise. He also believed that the site was a Brownfield site and that there was a local need.

Councillor R Johnson commented that he could not see any issues with the development of the site and although previous applications had been refused by the Planning Inspector, the site did have access to seven services in the area. He was also pleased that the applicant had listened to the comments of the Highway Authority.

Councillor J Legrys stated that he would be voting for the officer's recommendation to refuse. He believed that the officers had made their opinions clear and agreed with them that the site was not a Brownfield site. He felt that a policy was required to deal with this type of land. He concluded that a similar application in Donington le Heath had been refused because it was outside the limits to development and he felt that rural integrity needed to be maintained.

Councillor M Specht referred to a planning document regarding the sustainability of villages which stated that to be sustainable a village needed to have at least five services, and this application did. He also referred to a recent appeal decision notice which stated that when a village had no services but was close to Coalville which had those services, and also had access to a bus service, then sustainability would not be a reason for refusal. Therefore, Councillor M Specht believed that the application should be permitted.

Councillor D Everitt raised concerns regarding going against the officer's recommendation.

Councillor V Richichi felt that the Committee should be encouraging applications such as this as it helped to support local builders. He added that he would much rather see one house on the site than a larger development of many.

The Head of Planning and Regeneration pointed out that local employment for small builders and support for local services points would apply for any development anywhere, and that it was a matter of fact that the site was a Greenfield site outside the limits to development, and that was a very important factor for Members to consider.

Councillor D J Stevenson believed that the agent had presented a very sincere argument and other applications in the area had been approved in the past by officers without coming to Committee. He added that other applications on Greenfield sites had been approved against officer's recommendations and as Members who were the people on the ground; they were entitled to their own opinions too.

The motion to permit the application was put to the vote.

Councillor R Adams requested a recorded vote. The vote was as follows:

For the motion:

Councillors J Cotterill, J Coxon, J Hoult, R Johnson, G Jones, V Richichi, D Harrison, M Specht and D J Stevenson (9).

Against the motion:

Councillors R Adams, R Boam, R Canny, D Everitt and J Legrys (5).

Abstentions:

(0).

The motion was CARRIED.

RESOLVED THAT:

The application be permitted, with the imposition of conditions to be delegated to the Head of Planning and Regeneration.

73.

A2

15/00978/FUL: CHANGE OF USE FROM A SHOP (A1) TO A MICRO PUB (A4)

16 High Street Coalville Leicestershire

Officer's Recommendation: Permit

The Senior Planning Officer presented the report to Members.

The officer's recommendation was moved by Councillor J Hoult and seconded by Councillor J Cotterill.

Councillor J Legrys commented that he was in support of the application as he was in favour of any opportunity to invest in Coalville, however he was surprised to see the application on the agenda as he declined the opportunity to call-in the application as Ward Member. He raised concerns that after trying to ascertain why the application had come to committee from officers, he still had not had a clear answer. He stated that he had discovered that a serving Councillor was going to be the end user of the premises and questioned why Members of the Committee had not been informed.

The Legal Advisor reminded Members that they were considering the use of the land and not who the end user would be. Also the Councillor involved was not the applicant, agent or land owner and therefore it was acceptable and indeed standard practice to not include the information within the report. He added that Legal Services had provided officers with some advice regarding how the application should be determined and it was usual practice for this background information to not be included within the report.

The officer's recommendation was put to the vote.

RESOVLED THAT:

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

74. A3
15/00744/FUL: RETENTION OF 4 NO EXISTING ROLLER SHUTTERS AND
INSTALLATION OF 1 NO NEW ROLLER SHUTTER (PART RETROSPECTIVE)
23, 27, 31, 35 And 39 Blackfordby Lane Moira Swadlincote

Officer's Recommendation: Permit

The Planning Officer presented the report to Members.

The officer's recommendation was moved by Councillor J Legrys and seconded by Councillor D Everitt.

RESOLVED THAT:

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

The meeting commenced at Time Not Specified

The Chairman closed the meeting at 5.05 pm

APPENDIX B

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

1 December 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.

Residential care development including apartments and cottages and residential care home with associates car parking and landscaping (outline - details of access, appearance, landscaping, layout and scale reserved for subsequent approval)

Report Item No
A1

Willow Farm Ashby Road Moira Swadlincote Derby DE12 6DP

Application Reference
15/00456/OUTM

Applicant:
Mr & Mrs John Bridges

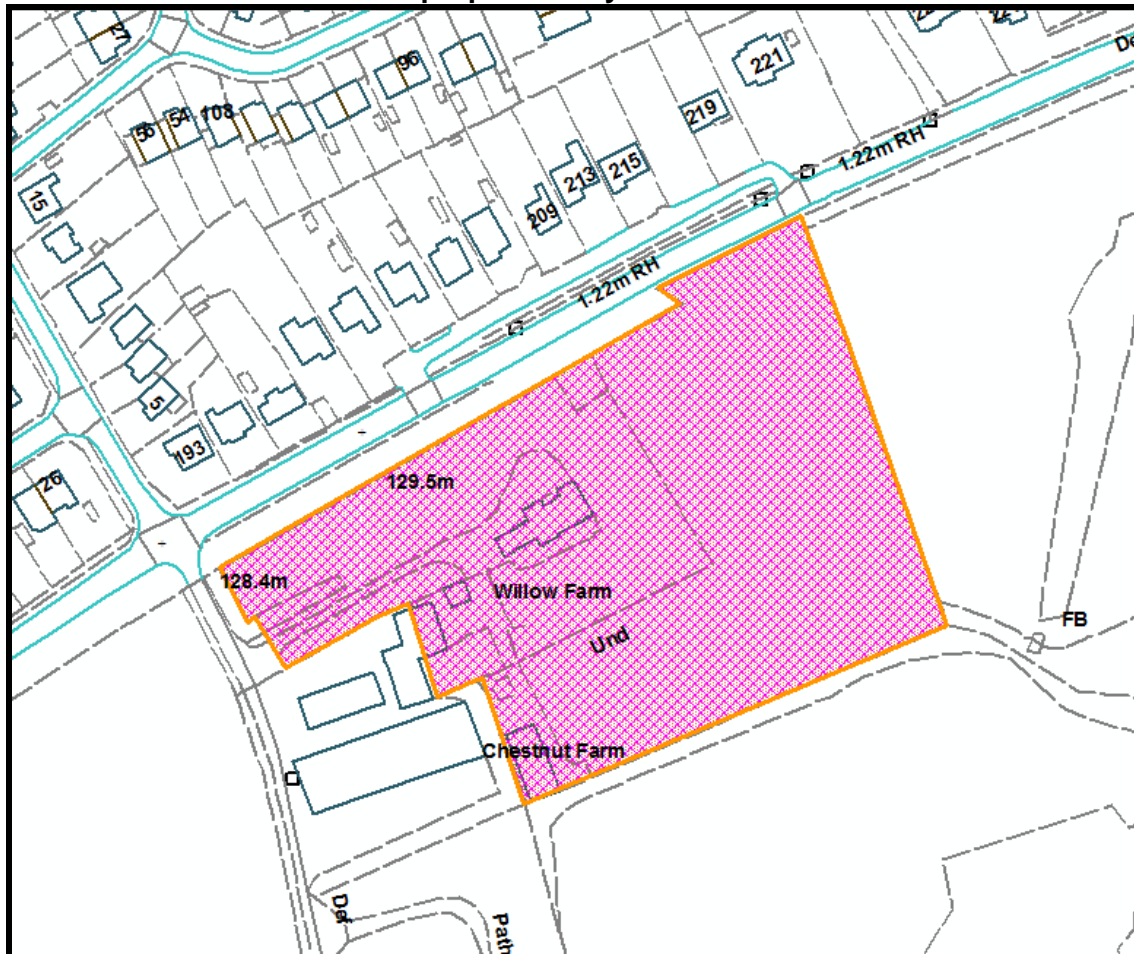
Date Registered
13 May 2015

Case Officer:
Sarah Worrall

Target Decision Date
12 August 2015

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary

Call In

The application is brought before Planning Committee as Councillor John Bridges and Mrs Annette Bridges are the applicants. Councillor Sue McKendrick also requested the application be put to Planning Committee.

Proposal

This is an outline application for the erection of a care village facility outside the Limits to Development of the sustainable village of Moira. Matters of access, layout, scale, appearance and landscaping are all reserved for subsequent approval although indicative layout and elevation plans have been submitted to demonstrate that a scheme could be achieved at the site.

Consultations

Members will note that representations from local residents have been made. In terms of those issues raised, all statutory consultees are satisfied that there are no matters that have not been satisfactorily addressed or cannot otherwise be satisfied by way of condition or through a legal agreement.

Planning Policy

The site is predominantly a Greenfield site located outside the Limits to Development of Moira where there are limited services so the issue of sustainability is key to whether the principle of development at this location is acceptable or not. The site also lies within the River Mease SAC catchment area.

Conclusion

The proposed development would not be in accordance with Policy S3 of the Adopted Local Plan since it would constitute development in the countryside. However, the economic aspects of the scheme including local employment opportunities have to be considered in addition to social benefits to the local and wider community including the additional community services and facilities which would form part of the proposal. Indicative layout plans demonstrate that a scheme could be accommodated on site without causing residential amenity problems or highway safety issues, and design and landscaping issues could be confirmed at a reserved matters stage.

As such, whilst the proposed development would not comply with countryside policies of the Local Plan or Consultation Draft Local Plan, the benefits of the proposal including the provision of an innovative care facility with employment opportunities as well as leisure and retail facilities on the site have to be considered. In this particular instance it is concluded that the benefits of the proposal outweigh the fact that the proposal would form development in the countryside outside Limits to Development of Moira and, on this basis, the application is recommended for approval.

RECOMMENDATION: PERMIT SUBJECT TO CONDITIONS AND S106 AGREEMENT

MAIN REPORT

1. Proposals and Background

This application is reported to Planning Committee since Councillor John Bridges is the applicant.

This is an outline application for the demolition of the existing dwelling at Willow Farm, the removal of associated outbuildings and the growing willow area, and erection of a care facility on the site. The care facility would offer dwellings for more independent living where care needs are lower, in addition to sheltered accommodation and a residential care home. All matters are reserved for subsequent approval.

The site is some 1.5 hectares in size and is currently a dwelling, associated curtilage buildings and agricultural land to the north of Moira village. The site lies in the countryside and there is residential development on the opposite side of Ashby Road.

The application submission comprises a Flood Risk Assessment, Drainage Strategy, Highways information and a Transport Assessment, a Biodiversity Survey and Report, a Planning Statement and justification for the proposal, a Tree Survey, a Coal Mining Risk Assessment, a Statement of Community Involvement, and suggested lease arrangements which could be incorporated into a legal agreement.

An amended site location plan was submitted early on in the application process in order to address ownership issues. Indicative plans have also been submitted to demonstrate how the proposed development could be achieved at the site including possible scale and layout. These plans show a new access off Ashby Road and a secondary access off the existing access to Willow Farm via a private drive which is outwith the applicant's ownership. Since all matters are reserved for subsequent approval the indicative plans are purely suggestive at this stage.

Planning History

88/1368 - Erection of agricultural workers dwelling following coal extraction nearby - permitted;
11/00851/VCU - Variation of condition 13 of 88/1368 in order to remove the agricultural tie associated with the dwelling - permitted.

2. Publicity

39 no. neighbours have been notified (Date of last notification 02 July 2015).

Press Notice published 24 June 2015

3. Consultations

Ashby Woulds Town Council consulted 28 May 2015
County Planning Authority
LCC Development Contributions
County Highway Authority
County Archaeologist
Coal Authority
National Forest Company
Manager Of Housing North West Leicestershire District Council
Head Of Street Management North West Leicestershire District Council

NHS Leicester, Leicestershire And Rutland Facilities Management
Severn Trent Water Limited
Natural England- Within 2k Of SSSI
Police Architectural Liaison Officer
Head of Environmental Protection
Head Of Leisure And Culture
Development Plans
NWLDC Urban Designer
LCC ecology
LCC Fire and Rescue
Ashby de la Zouch Town Council
NWLDC Tree Officer
Head of Environmental Protection
LCC Flood Management

4. Summary of Representations Received

Ashby Woulds Town Council - Objects to the application on the grounds of adequacy of infrastructure, impact on capacity of road network and highway safety, outside draft limits to development, height of buildings, insufficient parking provision included within site, light pollution, and sustainability;

Ashby Town Council - Unable to take a position in support for or opposed to the application as there is not enough information on landscaping, layout and access;

Natural England - No objection subject to condition (River Mease);

The Coal Authority - No objection subject to condition;

Severn Trent Water - No comments received;

NHS England - No comments received;

LCC Archaeology - No comments received;

LCC Highways - No objection subject to conditions;

LCC Planning - No objection;

LCC Lead Local Flood Authority - No objection subject to condition;

LCC Ecology - No objection subject to minimal removal of the hedgerow and subject to a condition requiring a Great Crested Newt survey and mitigation strategy prior to any reserved matters or detailed schemes are submitted;

NWLDC Environmental Protection - Noise - No objection;

NWLDC Environmental Protection - Contamination - No objection subject to conditions;

NWLDC Urban Design Officer - Objection.

Third party representations

There have been 37 representations of objection from local residents. Their concerns can be summarised as follows:

National Forest and Ecology

- Impact on the National Forest and Hicks Lodge;
- The National Forest is an area of natural beauty and land around it should be left as a buffer to enable the forest to establish itself;
- The area is a Green Wedge;
- This a Green Belt area and there are brownfield sites available;
- The information states there are open fields to the south and east sides of the site which is incorrect as they are forested;
- Policy E1 Sensitive Areas and Policy E10 Conservation Areas are both relevant, as are Policy E21 Physical Separation and Structure Plan policies relating to areas of particularly attracted countryside;
- I understand the hedgerow cannot be touched;
- The site includes a hedge which we thought was owned by the Council;
- There will be an impact on wildlife in the area;

Sustainability issues

- The site is not allocated for housing;
- The Government has set out that building on garden land should not take place;
- We have already lost green space to a solar farm and this will cause a further loss of some 7 acres of green land, it won't be long before there is no green space between Ashby town centre and the A444 which is not a good advert for the heart of a new forest;
- The development is in the edge of the village;
- The development is for older/less able residents but the location and distance to facilities and busy road will not assist with integration with the village;
- The application information refers to a row of shops but the pub has been closed for some years and one of the takeaway shops has ceased trading;
- There are no community facilities except in the care home;
- Are the restaurants, beauty salon and cinema going to be open to the public similar to Oaklands in Swadlincote?;
- It is already difficult to get an appointment with the GP, and the nearest hospital is some 9.5 miles away;
- There are sustainability issues, the development would be better in Ashby;
- Local bus services to the village have recently been reduced with the loss of the 9A service so access to other towns is not easy for those more reliant on public transport;

Highway Safety concerns

- The development will cause highway safety problems as the road is used as as a speed way and there is no traffic calming;
- Two entrances onto a busy road will mean there is potential for accidents;
- The existing access serves a farmhouse and an industrial complex comprising seven small businesses employing around 25 people;
- The new entrance is on a 40 mile speed limit road and the slopes on the road would mean there would be blind spots;
- Local newspapers report the proposed plan creating 100 plus jobs but is there adequate parking for residents, employees and visitors?;

- Is there sufficient space for emergency vehicles, waste collection and HGV delivery vehicles?;
- The unadopted private road in front of dwellings on Ashby Road will be used for parking which will cause arguments;
- Any road parking will mean traffic being halted when I manoeuvre my caravan into or out of my property causing a highway safety risk;
- Traffic and pedestrian movements will increase;
- There are no footpaths on that side of the road;
- The proposed pedestrian crossing and bus stop could create more traffic flow problems;
- A highway site visit and risk assessment should be carried out;
- Traffic calming measures would contravene my statutory right to be allowed to drive at 40mph along this stretch of road and would be a total abuse of planning law;

Design and Amenity

- The building of three storey buildings is completely out of keeping with the area;
- The three storey block at the site frontage would be out of keeping and would affect privacy of the the adjacent housing;
- Construction noise will affect residential amenities;
- A rock band practice each week at the industrial estate and this may impact on residents;
- There is no single storey accommodation with gardens for those who can't manage stairs but value their outside space;
- Provision of one central bin store is inadequate for such a large development;
- Where would cottage and apartment residents keep mobility buggies or bicycles?;
- The development is high density and lacks facilities for independent living;
- The plans do not show any dimension relating to the ground height upon which any of the buildings are built. Retaining the existing ground levels and the hedgerow would considerably reduce the impact;
- There are no dimensions or sizes of any kind shown on any drawing or planning documents for the public to view;
- The proximity of the buildings to the highway along with the removal of the boundary hedge would have a dramatic visual impact on the locality;

Land stability, drainage and pollution issues

- The site could be over old mine workings and a land fault;
- Storm water issues will need to be addressed as well as sewerage;
- It will cause a high density isolated vulnerable community which would be a target for criminals;
- It will cause light and noise pollution from 24 hour staff working;
- Frequent emergency vehicle attendance will use sirens which cause distress to local animals;

Other issues

- What is the timescale for the development, the information states that the cottages would help fund the care home?
- There has been no notification of this application on lamp posts;
- Some residents on Dorset Drive have not been informed by letter;
- Some documents cannot be viewed online; No 'For Sale' board has ever been seen;
- No local agent was used;
- The property is owned by the Deputy Chairman of Planning Committee;
- The development will devalue my property, is there any compensation for this?;
- There will be a loss of view from my house, but the occupiers would have a good view;

- I have to clear my garden of litter dropped by people at the bus stop and the development would make this worse;
- Consideration should be given to the use of empty Woulds Court on Willow Close for a care home or sheltered housing;
- Are residents going to suffer a building site for years after the impact of opencast mining?;
- Is there financial interest to the local authority to promote this kind of development?

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

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The 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 - Key Principles)
- Paragraphs 18-20 (Building a strong, competitive economy)
- Paragraph 28 (Supporting a prosperous rural economy)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 34 (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 54 (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 74 (Promoting healthy communities)
- 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 109 (Conserving and enhancing the natural environment)
- Paragraph 112 (Conserving and enhancing the natural environment)
- Paragraph 118 (Conserving and enhancing the natural environment)
- Paragraph 119 (Conserving and enhancing the natural environment)
- Paragraph 120 (Conserving and enhancing the natural environment)
- Paragraph 122 (Conserving and enhancing the natural environment)

Paragraph 123 (Conserving and enhancing the natural environment)
Paragraph 173 (Ensuring viability and delivery)
Paragraph 203 (Planning conditions and obligations)
Paragraph 204 (Planning conditions and obligations)

North West Leicestershire Local Plan

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

Policy S1 - Overall Strategy
Policy S2 - Limits to Development
Policy S3 - Countryside
Policy H4/1- Housing sequential approach
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy F1 - National Forest General Policy
Policy F2 - Tree Planting
Policy F3 - Landscaping and Planting
Policy T3 - Highway Standards
Policy T8 - Parking
Policy T13 - Cycle Parking
Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design
Policy L21 - Children's Play Areas

Other Guidance

Consultation Draft 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
S3 - Settlement Hierarchy
S4 - Countryside
S5 - Design of new development
IF1 - Development and Infrastructure
IF2 - Community Facilities
IF4 - Transport Infrastructure and new development
IF7 - Parking provision and new development
En1 - Nature Conservation
En2 -River Mease Special Area of Conservation
En3 - The National Forest
Cc2 - Sustainable design and construction
Cc4 - Water - Sustainable Drainage Systems

National Planning Practice Guidance (NPPG) - March 2014

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

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations')

The Regulations provide for the protection of 'European sites', which include Special Areas of Conservation (SACs).

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.

River Mease Water Quality Management Plan (RMWQMP) - August 2011

The RMWQMP draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition.

The River Mease Developer Contributions Scheme (DCS) - November 2012

The DCS is relevant to development which results in a net increase in phosphorous load being discharged to the River Mease Special Area of Conservation (SAC). It currently applies to all development which contributes additional wastewater via the mains sewerage network to a sewage treatment works which discharges into the catchment of the River Mease SAC.

The Community Infrastructure Levy (CIL) Regulations 2010

The CIL Regulations provide a legislative requirement that an obligation must meet the following tests:

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

6Cs Design Guide (Leicestershire County Council)

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

6. Assessment

Principle of development

This is an outline application, with all matters reserved for subsequent approval, which seeks to establish whether the principle of a care development would be acceptable at the site or not. It is noted that some details of layout and elevations have been submitted but these are for indicative purposes and do not form part of any details to be agreed. However, the applicant has confirmed that they would be seeking permission for a scheme comprising a care home with up to 62 ensuite bedrooms, 66 Sheltered accommodation units, and 30 2 bedroomed dwellings at the site. The latter aspect could be conditioned should the application be approved.

Sustainability issues have to be considered since the application site is located to the west of Moira village and to the south of Norris Hill, so would form development on the edge of a settlement if it was permitted. Moira is a sustainable settlement with its own community services and facilities, and limited facilities are also available at Norris Hill, with bus stops in close proximity to the site. Whilst the proposed development is for a care facility and not open market residential development, similar principles relating to sustainability are shared by both uses. The proposed development would be within walking distance of existing services and facilities, and additional services and facilities would be included on site as part of the overall care village development. The applicant indicates that such services e.g. beauty salon, and cinema would be open to the public which would contribute towards assisting with integration with the wider community as well as offering benefits to the occupants and the wider community.

The application information sets out that there is a need for a care facility of this nature where care can begin with assisted living in a dwelling, and as an individual's care requirements change other levels of assistance are available in the sheltered accommodation and residential care element. Since the transitional accommodation would be available all on the same site an individual would not have to move area which would be beneficial to an individual's well being. Dwellings would be designed to accommodate couples with room for visitors to stay or for live in carers should an individual require that flexibility.

The supporting information also sets out that there is a need for this type of development in Leicestershire, particularly in respect of dementia, and includes information on care aspects and demographics which support the development proposal.

The loss of agricultural land has to be considered as part of the proposal assessment. The site comprises a large dwelling within a substantial domestic curtilage with ancillary outbuildings and this area occupies almost half of the overall site. The information submitted indicates that the agricultural land has a Grade 3 classification but it does not define whether this is Grade 3a or 3b. National guidance indicates Grade 3a as being included as part of the best and most versatile agricultural land. Irrespective of whether the agricultural land is classed as Grade 3a or 3b the area of land where willow is grown is less than 1 hectare in size and does not relate well to any other farmland since it is surrounded by National Forest planting to the east and south, and is bound by Ashby Road to the north and a private access track and commercial units to the west. Taking these points into account it is not considered that the loss of the relatively small area of Grade 3 agricultural land would warrant refusal of the application.

A need has been identified for this type of care facility within the area, and the site is well related to existing residential development and services and facilities. In addition, the loss of a small area of Grade 3 agricultural land at this location would not warrant refusal of the scheme. The proposal would provide local employment opportunities and other public benefits in terms of access to any onsite leisure or retail facilities and provision of a high quality care facility. As

such, the proposal would meet the economic, social and environmental requirements of the NPPF and the development would, in principle, be acceptable at this location.

Design and residential amenity considerations

Whilst an outline application where layout, scale and appearance are reserved matters, an indicative layout and elevations showing parameters of scale and form have all been submitted to set out how a scheme could be achieved at the site. Notwithstanding comments received, the indicative plans submitted are all to scale and show how a development could be achieved on site. The design as currently shown on the indicative plans would not be acceptable but in any event the detailed design issues would fall to be considered at reserved matters stage. As such, in principle, a visually acceptable scheme could be accommodated at the site.

A topographical survey of the site has also been submitted as part of the application. Ground levels at the site slope away from Ashby Road. The submitted plans show that dwellings could be situated towards the front of the site and two apartment buildings of some 12m height could be set to the eastern section of the site, at the lower part of the site without having any adverse impact on existing residential properties through overlooking or overshadowing. A development could also be achieved on the site without having overbearing or other amenity issues between units within the site.

The site is of sufficient size to accommodate a layout to include Bin stores, mobile, buggy parking, cycle parking etc and those details would be considered at any reserved matters stage. A detailed scheme would also include information on security and designing out crime. Leicestershire Police have requested a contribution towards policing as a result of the proposal and this would be achieved through a legal agreement.

The concerns about noise and light pollution are noted. However, the nature of the use would not cause significantly more noise or light pollution than that which would be associated with residential development at that location. The shift patterns of staff would be unlikely to cause significant disturbance to local residents since staff changes would likely be in the mornings and evenings and would be predominantly associated with the residential care element which would be situated away from existing residential development. There would be some disturbance to local residents during any construction periods but that would be temporary.

The submitted indicative design and layout information demonstrate that a scheme could be achieved on site in terms of scale without having any adverse impact on existing or proposed residential amenities in accordance with national and local planning policy. It is also noted that the NWLDC Environmental Protection (Noise) team have no concerns in relation to the existing adjacent commercial activities and the proposed development.

Highway Considerations

Access is also a reserved matter but sufficient information has been submitted for the Highway Authority to determine whether a development of the scale anticipated could be dealt with internally on the site in terms of parking and access, as well as the external impact on the wider highway network. The Highway Authority has concluded that there are no objections to the suggested access points and traffic calming suggestions including a pedestrian crossing and reduction in speed limit. A Transport Assessment has modelled information relating to the size of development suggested on the indicative plans and within the supporting information. Conditions and legal agreement requirements have been recommended by the Highway Authority should the application be approved.

It is noted that the existing access is not within the ownership of the applicant and that matter does not prevent consideration of the current proposal. It would be a private matter to be resolved between the applicant and access owner should the application be approved.

Landscaping, National Forest and ecological considerations

Landscaping is also a matter reserved for subsequent approval should this outline application be approved but the indicative layout plan sets out an option for green spaces within the site. Whilst 20% onsite National Forest planting is unlikely to be achieved the applicant has advised that there is an aspiration to have a landscape led design for the overall scheme to highlight the National Forest identity. The National Forest Company has set out that if onsite planting cannot be achieved, it would be agreeable to a financial contribution towards off site provision and this would be dealt with through a legal agreement.

The proposed development will result in a small loss of scrub habitat formed by the willows grown commercially on site, but this will not be significant loss in the context of the surrounding landscape, which is recently planted with woodland. The dwelling to be demolished appears from the photographs to have low bat potential, and the risk of bats being present in the roof is low.

The loss of hedgerow on the site frontage should be kept to a minimum since the creation of the access on the site frontage would result in a loss of habitat and a break in the wildlife corridor as well as being a visual break. Should the application be approved, it is recommended that a note to applicant be attached to any permission indicating that a reserved matters scheme should demonstrate a landscape led design.

Great Crested Newts (GCN) are known to live in the plantation ponds to the south (Diseworth New Clumps - c.660m away). There are at least 4 and possibly more ponds in the plantations immediately south which appear to be suitable for GCNs, and are within 500m of the application site; one or two ponds are within 100m of the site, to the east, with direct connectivity along a ditch to the site. Some of the habitats on site are suitable for GCN foraging - the willow plantations, for example. If GCNs were present in these nearby ponds, especially the ones connected with a ditch, it would be necessary to take measures to exclude them from the application site. This would require mitigation which could be dealt with through condition, and potentially licensing. Although the development would result in some loss of foraging (if GCNs were present in the nearest ponds) this loss would not warrant refusal of the application since there is plenty of alternative foraging available in the locality. As such, any impact on a GCN population would be temporary, during construction, and mitigatable.

A GCN survey would be required in respect of the ponds within 500m and this would usually be required as part of an application. However, since the ponds are not on site and the application is at outline stage and any impact on a GCN population in nearby ponds would be temporary and mitigatable the County Ecologist advises this matter could be dealt with by condition before any reserved matters or detailed plans are considered for the site.

Land stability, drainage and River Mease SAC

The site is associated with the Boothorpe fault and is part of the coalfield legacy area within the locality. As such, a Coal Mining Risk Assessment has been submitted as part of the application. Coal Authority concerns were retracted following assessment of that report, and the Authority has confirmed it has no objection to the proposal subject to a condition. In addition, NWLDC Environmental Protection (Contamination) colleagues advise that there is no objection to the proposal subject to condition.

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to national planning guidance in the NPPF. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

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

The application proposes that foul drainage would be dealt with via the mains sewer system and a contribution would be required under the DCS. Natural England's Standing Advice sets out that foul water mains drainage development proposals in the River Mease catchment that fully adhere to the now adopted DCS will not sustain an objection from Natural England, providing that the proposal does not result in any other potential impacts on the River Mease SAC either alone or in-combination with other plans or projects and providing that there are no other significant matters of nature conservation concern.

Consideration needs to be given to the capacity of Severn Trent Water's receiving treatment works at Donisthorpe. The flows from the new development will need to be taken into account against the existing headroom at Donisthorpe. At March 2014 there was no capacity available at this treatment works. Therefore a phasing condition would need to be imposed to allow Severn Trent Water time to provide additional capacity at Donisthorpe Treatment Works or elsewhere in its sewer system to deal with the potential discharge from the development.

A condition requiring that only a mains connection is used at the site would also be required as the use of other means for foul drainage discharge could adversely affect the SAC and conditions imposed to secure the details of foul drainage and surface water discharge, which would ensure that the systems are suitable to cater for the development. Therefore based on the above it can be ascertained that the proposal site would not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

The applicant has also indicated in the submission that sustainable drainage elements would be included in any reserved matters details and the County Council as Local Lead Flood Authority has confirmed it would welcome this aspect. Should any surface water drainage link into surface water drainage systems on neighbouring land then that would be a private matter of riparian right for discussion between the relevant parties.

Overall, in terms of issues of land stability, flood risk, drainage and the River Mease SAC it is

considered that the scheme is acceptable, and would provide for appropriate drainage solutions to accommodate the proposed development. On this basis the proposal would be in accordance with the provisions and intentions of the NPPF and the Habitats Regulations.

Developer Contributions

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

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

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

National Forest planting 20% of the site area (0,3ha) to be woodland planting and landscaping. If this cannot be achieved on site an off-site contribution of £6,000 would be required.

River Mease DCS Contribution request to be confirmed and reported on the update sheet.

Leicestershire Police

This contribution request considers the amount and type of development proposed and compares this with existing Policing demand and crime information for the beat and LPU area in which it will be situated. The existing deployment of Police assets to Police the area are identified and applied to the beat and to forecast the impact of this individual development. The funding and capacity position of the Force is defined. NPPF and local Policy supporting a Policing contribution are identified. Commitments are made to manage the contribution. Finally the contribution is itemised as below with individual methodologies applied to identify a series of infrastructure projects necessitated by this development. CIL tests of compliance are applied to these.

Start up equipment	£2939
Vehicles	£1830
Additional radio call capacity	£184
Police National Direction additions	£94
Additional call handling	£168
ANPR	£2055
Mobile CCTV	£375
Additional premises	£19558
Hub equipment	£144
Total	£27347

Other Developer Contributions

As a result of the LCC Developer Contributions consultation, the following contributions have been requested:

LCC Highways The Highway Authority will require an agreement in respect of all off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. Public transport contributions will also be

required as follows:

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer), and one per employee; to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £350.00 per pass - NOTE it is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate).
- New/Improvements to 2 nearest bus stops (including raised and dropped kerbs to allow level access); to support modern bus fleets with low floor capabilities. At £3263.00 per stop.
- Information display cases at 2 nearest bus stops; to inform new residents of the nearest bus services in the area. At £120.00 per display.
- Bus shelters at 2 nearest bus stops; to provide high quality and attractive public transport facilities to encourage modal shift. At £4,908.00 per shelter.
- Real Time Information (RTI) displays at 2 nearest bus stops; RTI is known to increase bus patronage where it is available [source - www.dft.gov.uk/itstoolkit/case-studies.htm]. At £6,000.00 per display.

LCC Civic Amenity No contribution required

LCC Library Services The proposed development on Ashby Road, Moira is within 2.9km of Ashby de la Zouch Library on North Street, being the nearest local library facility which would serve the development site. The library facilities contribution would be £2,490.

Assessment of Financial Requests

The County Council requests in respect of off-site highways works would ensure that the proposed development is satisfactorily assimilated into the transport network. This approach is considered to be consistent with Government guidance in the National Planning Policy Framework, the CIL Regulations 2011, and the County Council's Local Transport Plan 3. The contribution request in relation to libraries would also be consistent with Government guidance and the CIL Regulations 2011.

Leicestershire Police has requested a financial contribution of £27,347.00 as set out above. Officers are of the view that the scale and kind of contributions sought would be fairly and reasonably related to this development.

In respect of the requests received in respect of this application, it is considered that the following meet the tests, and the applicant has confirmed that they would be willing to enter into an agreement to secure the following contributions:-

- Leicestershire Police (£27,347.00)
- Libraries (£2,490.00)
- Transport (Travel Packs, Bus Passes, Bus Stop Improvements, Information Display Cases etc as set out above) and separate S278 works
- National Forest planting 20% (0.3ha) onsite or £6,000.00 off site contribution
- River Mease DCS to be confirmed and reported on the update sheet.

Other issues

The timescale for development, should the application be approved, is not known but a phasing masterplan condition could be applied to an outline permission for clarity.

A site notice for the development proposal was posted on Ashby Road lamppost. In addition, neighbour notification was undertaken over and above the legally required notification. Some application information was submitted during the course of the application including amended information, but all has been available online to view and a pragmatic approach has been taken in respect of deadlines for representations - the most recent one was received in October 2015.

The sale of property is a private matter and does not impact on the material planning considerations relating to this proposal. The District Council would not gain financially from the proposed development. The fact that the Deputy Chairman of the Planning Committee is the owner of Willow Farm and also the applicant means that the application has to be considered by the Planning Committee in a public forum, and that the NWLDC Member Code of Conduct will apply and the Deputy Chairman will not be able to take part in the discussion of the scheme.

Devaluation of property and loss of view are not material planning considerations.

It is noted that one representation refers to the reuse of the Woulds Court site on Willow Close. However, whilst that site could be reused as a care facility it would not be of sufficient size to accommodate the proposed development.

Conclusions

The proposed development would not be in accordance with Policy S3 of the Adopted Local Plan since it would constitute development in the countryside. However, the economic aspects of the scheme including local employment opportunities have to be considered in addition to social benefits to the local and wider community including the additional community services and facilities which would form part of the proposal. Indicative layout plans demonstrate that a scheme could be accommodated on site without causing residential amenity problems or highway safety issues, and design and landscaping issues would be confirmed at a reserved matters stage. As such, the proposed development would be in accordance with other local and national planning policy requirements.

Whilst the proposed development would not comply with countryside policies of the Local Plan or Consultation Draft Local Plan, the benefits of the proposal including the provision of an innovative care facility with employment opportunities as well as leisure and retail facilities on the site have to be considered. In this particular instance it is concluded that the benefits of the proposal outweigh the fact that the proposal would form development in the countryside outside Limits to Development of Moira and, on balance, the application is recommended for approval.

RECOMMENDATION, PERMIT, subject to the signing of the Section 106 Agreement and the following conditions:-

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

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

- 2 Approval of the details of access, appearance, landscaping, layout and scale

(hereinafter called "the reserved matters") for each phase of the development shall be obtained from the Local Planning Authority in writing before any development is commenced on that particular phase, and the development shall be carried out as approved.

Reason- This permission is in outline only.

- 3 The care facility hereby permitted shall comprise a maximum number of 30 No. care related dwellings, 66 No. sheltered units, and a care home with 62 No. ensuite bedrooms along with ancillary social and medical related space.

Reason - For the avoidance of doubt since the indicative plans show that a development of this size can be achieved on the site without adverse impacts in respect of material planning considerations.

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

Site location plan received on 5 June 2015.

Reason- To determine the scope of this permission.

- 5 The reserved matters application(s) for each phase of development shall include precise details of the finished floor levels of each care related dwelling and care apartment and care home accommodation in relation to the finished ground levels across the site in relation to an existing datum point and in relation to the existing finished floor and roof height levels of the dwellings on Ashby Road opposite the site.

Reason- In the interests of visual and residential amenities.

- 6 Notwithstanding Conditions 1 and 2 above, the first reserved matters application shall include a development masterplan for the whole of the site setting out details of site layout, areas of open space, surfacing and width of footpaths through the site, landscaping, density parameters and scale, 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 and to ensure that vehicles entering, leaving and travelling through the site may pass each other clear of the highway and not cause problems or dangers within the highway.

- 7 Notwithstanding any details submitted, and before development commences on any individual phase of the development of the site, a detailed scheme for the boundary treatment of the site, or any individual phase, shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the care accommodation of that particular phase of development is occupied.

Reason- To preserve the amenities of the locality.

- 8 Development shall not begin until details of design for off-site highway works being speed reduction measures on Ashby Road including the relocation of the existing 30 mph speed limit to the east of the site frontage and the provision of a pedestrian crossing at the site frontage have been approved in writing by the local planning authority; and the 10th dwelling or the care home shall not be occupied until that scheme has been constructed in accordance with the approved details.

Reason- In the interests of highway safety, including pedestrian safety.

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

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

- 10 The occupation of the care accommodation hereby permitted shall be restricted to persons having a minimum age of 55 years or a widow or widower of such a person, and in the case of couples living together, one of the occupants shall be aged 55 years or more.

Reason - In view of the transport assessment being modelled on retirement home related traffic movement and to ensure that the development takes the form envisaged by the Council in view of the development constituting an exception to the Council's requirements for play area provision.

- 11 Prior to submission of a reserved matters application the following items shall be undertaken, at the developer's expense, and details shall be submitted to and agreed in writing by the Local Planning Authority:

- The submission of a scheme of intrusive site investigations, including mine gas monitoring;
- The undertaking of the scheme of intrusive site investigations;
- The submission of a report of findings arising from intrusive site investigations; and,
- The submission of a scheme of remedial works for the shallow coal workings and mine gas protection measures for approval.

No development shall commence on site until details of such remedial works have been implemented at the site.

Reason- In the interests of safeguarding the proposed development and adjacent properties in respect of the coalfield legacy of the site.

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

Assessment shall be carried out in accordance with:

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

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

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

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

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

- 13 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
 - Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - Demonstrate the effectiveness of the approved Remedial Scheme; and
 - Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

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

- 14 None of the care accommodation on any individual phase of the development hereby approved shall be occupied until a scheme of measures to ensure the sewer/drainage network has capacity to serve that phase of the development has been provided in full accordance with a scheme that has first been submitted and agreed in writing with the Local Planning Authority.

Reason- To ensure sufficient capacity is available within the local drainage network.

- 15 No development shall commence on any individual phase of the development until such a time as details of the means of disposal of foul drainage from that phase of development 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 ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution and in the interests of the integrity of the River Mease SAC/SSSI.

- 16 No development shall commence until a surface water drainage scheme for the overall site, based on sustainable drainage principles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality; the limitation of surface water run-off to equivalent Greenfield rates; the ability to accommodate surface water run-off onsite up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained 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, and disposal of, surface water from the site.

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

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

- 18 The soft landscaping scheme on any individual phase of the development shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be

replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason- In the interests of visual amenity and to ensure that the work is carried out within a reasonable period and thereafter maintained.

- 19 Prior to the submission of any reserved matters application, or other detailed submission, a Phase 1 Habitat Survey and also Great Crested Newt Surveys of ponds within 500 metres of the site shall be undertaken and findings and appropriate extensive mitigation measures and timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The mitigation measures will be implemented in full accordance with the approved details and implementation period prior to development commencing.

Reason- In the interests of the protection of protected species.

- 20 No development shall commence on any individual phase of development until a biodiversity management plan for all retained and created habitats including SUDS in that phase has been submitted to and agreed in writing by the Local Planning Authority. The SUDS should be designed to maximise benefit to wildlife.

Reason- In the interests of nature conservation.

- 21 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 September (inclusive).

Reason- In the interests of breeding birds, and to ensure no adverse impact on other protected species in the interests of nature conservation.

- 22 No development shall commence on any individual phase of the development until details of the design and location of bird nesting boxes and bat boxes have been submitted to and agreed in writing by the Local Planning Authority for that particular phase. The development shall be carried out in accordance with the agreed details, and the measures incorporated shall thereafter be so retained.

Reason- In the interests of providing potential bird nesting and bat roosting sites in the interests of nature conservation and enhancing the biodiversity of the site.

- 23 All landscape planting in any informal/natural open space should be of locally native species only.

Reason- In the interests of nature conservation.

- 24 Buffer zones of at least 5m of natural vegetation should be maintained alongside all retained hedgerows unless otherwise agreed in writing with the Local Planning Authority.

Reason- In the interests of nature conservation.

- 25 No development shall commence on any individual phase of the development until a lighting scheme for the development site has been submitted to and agreed in writing with the Local Planning Authority for that particular phase. The scheme shall include

provisions to demonstrate that light spill onto retained hedgerows and the brook corridor, to be minimised to a value of 1 lux or lower at the edge of the habitats.

Reason- In the interests of protected species.

- 26 All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document unless otherwise agreed in writing by the Local Planning Authority (LPA) in conjunction with the Highway Authority. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways) and visibility splays and be submitted for approval by the local Planning Authority in consultation with the Highway Authority before development commences. Note: Your attention is drawn to the requirement contained in the Highway Authority's current design guide to provide Traffic Calming measures within the new development.

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

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage and during the application 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).

Development of up to 150 dwellings with open space,
landscaping, access and other infrastructure work (outline -
all matters reserved apart from part access)

Report Item No
A2

Site Adjacent Computer Centre And Jct 24 Packington Hill
Kegworth Derby DE74 2DF

Application Reference
14/00541/OUTM

Applicant:
Trustee Of Curzon Coaker Settlement

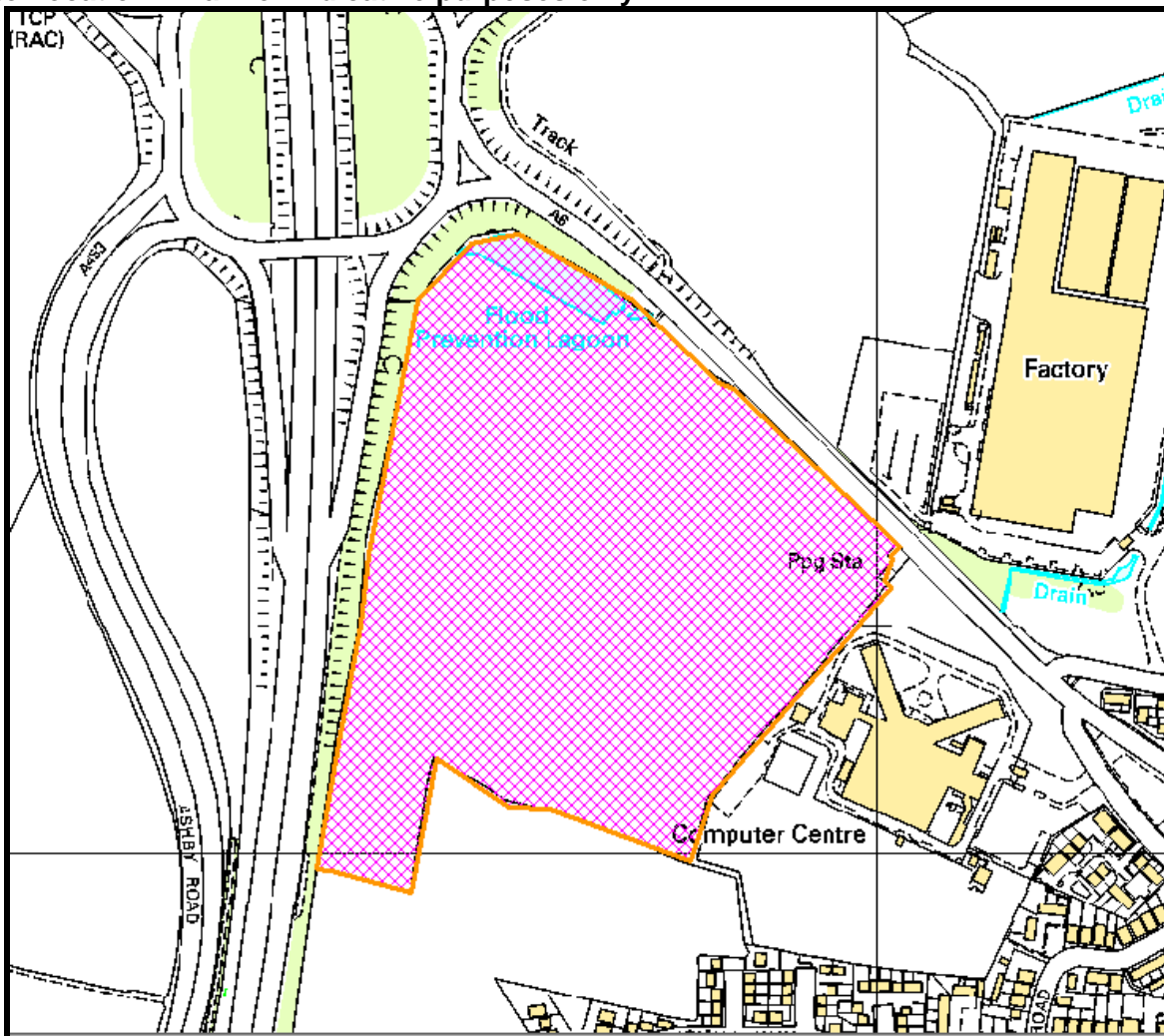
Date Registered
22 May 2014

Case Officer:
Sarah Worrall

Target Decision Date
21 August 2014

Recommendation:
PERMIT Subject to a Section106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary

Call in

This application has not been called in but is reported to Committee due to representations being received for an against the proposal which does not conform with the Adopted Local Plan.

Proposal

This is an outline application for the erection of 150 dwellings with associated infrastructure including open space, landscaping and access. All matters are reserved except access. An indicative layout plan has been submitted to demonstrate that a scheme could be achieved at the site.

Consultations

Members will note that representations from local residents have been made. In terms of those issues raised, all statutory consultees are satisfied that there are no matters that have not been satisfactorily addressed or cannot otherwise be satisfied by way of condition or through a legal agreement.

Planning Policy

The site is a Greenfield site located outside the Limits to Development of Kegworth which is a sustainable settlement and would include an access onto the A6 classified road and also in close proximity to J24 of the M1 with the potential to impact on the strategic highway network.

Conclusion

The proposed development would not be in accordance with Policy S3 of the Adopted Local Plan since it would constitute development in the countryside. However, the economic aspects of the scheme have to be considered in addition to social benefits to the local and wider community including the additional sports pitches, public open space and improvements to the local highway network which would form part of the proposal. Indicative layout plans demonstrate that a scheme could be accommodated on site without causing residential amenity problems or highway safety issues, and design and landscaping issues could be confirmed at a reserved matters stage. As such, the proposed development would be in accordance with other local and national planning policy requirements and, on balance, the application is recommended for approval.

RECOMMENDATION, RESOLVE TO PERMIT, subject to the signing of the Section 106 Agreement and conditions, and also the inclusion of highways conditions under delegated powers

MAIN REPORT

1. Proposals and Background

This is an outline application for the erection of up to 150 dwellings with associated infrastructure including open space, landscaping and access. All matters are reserved except access.

The site slopes down from the M1 embankment towards Derby Road and is currently used for agricultural purposes. A commercial operation is located to the east of the site and an area of land to the south of the site has an extant permission for residential development. The site is bound to the west by the line of the M1, and Derby Road (A6) to the north east.

A Design and Access Statement, Transport Assessment, Ecological Survey, Arboricultural Survey, Landscape and Visual Appraisal, Flood Risk and Drainage Report, Heritage/Archaeology Reports, Soils and Agricultural Land Assessment, Air Quality Assessment, Noise Assessment and Statement of Community Involvement have been submitted as part of the application. A report assessing the site for mineral potential was submitted in February 2015 following concerns raised by County Planning. Substantial highway discussions have taken place throughout the course of the application.

Planning History

There is no planning history associated with the site.

2. Publicity

99 no. Neighbours have been notified (Date of last notification 11 June 2014)

Site Notice displayed 24 June 2014

Press Notice published 18 June 2014

3. Consultations

Clerk To Kegworth Parish Council, consulted 11 June 2014

Highways Agency- affecting trunk road consulted

Environment Agency consulted 11 June 2014

County Highway Authority consulted 11 June 2014

Severn Trent Water Limited consulted 11 June 2014

Head of Environmental Protection consulted 11 June 2014

Natural England- Within 2k Of SSSI consulted 11 June 2014

NWLDC Tree Officer consulted 11 June 2014

County Archaeologist consulted 11 June 2014

Airport Safeguarding consulted 11 June 2014

LCC ecology consulted 11 June 2014

NWLDC Urban Designer consulted 11 June 2014

LCC Fire and Rescue consulted 11 June 2014

LCC Development Contributions consulted 11 June 2014

NHS Leicester, Leicestershire And Rutland Facilities Management consulted 11 June 2014

Development Plans consulted 11 June 2014

Head Of Leisure And Culture consulted 11 June 2014

Manager Of Housing North West Leicestershire District Council consulted 11 June 2014

Police Architectural Liaison Officer consulted 11 June 2014

Rushcliffe Borough Council consulted 11 June 2014
Head Of Street Management North West Leicestershire District consulted 11 June 2014
DEFRA consulted 11 June 2014
County Planning Authority consulted 18 June 2014

4. Summary of Representations Received

Kegworth Parish Council - No objection but requires consideration of the provision of adequate pedestrian and cycle routes, drainage for the sports pitches and provision of the pitches in a properly laid out manner, affordable housing provision, onsite car parking, high quality design, adoptable roads within the development, repositioning of 30mph speed limit, and any children's play areas to be well laid out with proper equipment.

Highways England - Original direction was withdrawn and confirmation received of no objection

Severn Trent Water - No objection subject to condition

Natural England - No objection

East Midlands Airport - No objection subject to any SUDS ponds being smaller areas of open water surrounded by wet woodland planting to ensure there is no increase in potential bird strike risk

Leicestershire Police - No objection subject to a financial contribution

NHS - No comments received despite the information being passed on by the Leicestershire contact to their counterpart in the area covering Kegworth

LCC County Planning (Minerals) - No objection based on the additional information submitted in February 2015

LCC Highways - No objection, in principle, to the proposed access

LCC Developer Contributions - No objection subject to agreement to contributions

LCC Ecology- No objections subject to condition

NWLDC Environmental Protection (Air Pollution) - No objection

NWLDC Environmental Protection (Noise) - No objection

NWLDC Affordable Housing Enabling Officer - No objection subject to a policy compliant scheme being agreed - 30% on site affordable housing

Third party representations

Three representations have been received from local residents. One representation raising concerns can be summarised as follows:

- The proposal will worsen congestion within the village;

- What other amenities within the village are planned to support these new dwellings?; and,
- There is evidence of protected species on site and an environmental survey needs to be undertaken.

One representation confirms there is no objection to the proposal but wishes to submit that a traffic light control should be required at the access, the need for pavements to the site for pedestrian access and village infrastructure should be considered (GP, schools etc).

A third representation supports the application on the basis that the development would provide much needed additional sports pitches in Kegworth.

5. Relevant Planning Policy

National Planning Policy Framework

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

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

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

Paragraph 9 (Achieving sustainable development);
Paragraph 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraphs 18-20 (Building a strong, competitive economy);
Paragraph 32 (Promoting sustainable transport);
Paragraph 34 (Promoting sustainable transport);
Paragraph 35 (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 50 (Delivering a wide choice of high quality homes);
Paragraph 54 (Delivering a wide choice of high quality homes);
Paragraph 56 (Requiring good design);
Paragraph 57 (Requiring good design);
Paragraph 58 (Requiring good design);
Paragraph 59 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 64 (Requiring good design);
Paragraph 69 (Promoting healthy communities);
Paragraph 74 (Promoting healthy communities);
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 109 (Conserving and enhancing the natural environment);

Paragraph 112 (Conserving and enhancing the natural environment);
Paragraph 119 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 122 (Conserving and enhancing the natural environment);
Paragraph 123 (Conserving and enhancing the natural environment);
Paragraph 124 (Conserving and enhancing the natural environment);
Paragraph 141 (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 sets out 13 criteria which form the strategy for the adopted Local Plan;
Policy S3 - Countryside;
Policy E2 - Landscaped Amenity Open Space;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy E8 - Crime Prevention;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy T20 - Airport Safeguarding;
Policy H4/1 - Housing Land Release;
Policy H6 - Housing Density;
Policy H7 - Housing Design;
Policy H8 - Affordable Housing;
Policy L21 - Children's Play Areas;

Other Policies

Consultation Draft 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
S3 - Settlement Hierarchy
S4 - Countryside
S5 - Design of new development
IF1 - Development and Infrastructure
IF2 - Community Facilities
IF4 - Transport Infrastructure and new development
IF7 - Parking provision and new development
En1 - Nature Conservation
En2 - River Mease Special Area of Conservation
En3 - The National Forest

Cc2 - Sustainable design and construction
Cc4 - Water - Sustainable Drainage Systems

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 Kegworth.

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

North West Leicestershire District Council Play Area Design Guidance SPG

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

6Cs Design Guide (Leicestershire County Council)

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

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;

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

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

6. Assessment

Background

This application was submitted on 22 May 2014 and for more than a year negotiations about the offsite highways works have been taking place. The report is being put to Committee for consideration due to the receipt of positive and negative representations on the proposal, although it should be noted that these are very limited in number. Whilst the off-site highway

details are still being discussed, the Highway Authority has confirmed that, in principle, there is a solution and the proposed development can be achieved at the site. As such, this report respectfully requests that Planning Committee resolve to approve the application subject to indicative conditions set out in this report and subject to highways issues being agreed subsequently by the Highway Authority and being dealt with by officers under delegated powers.

Principle of Development

This is an outline application with all matters other than access being reserved for subsequent approval. However, the supporting information and indicative layout plan demonstrate that a scheme could be achieved on site which would relate well to existing built form towards the village whilst leaving a buffer area between the proposed dwellings and the M1 which could include the public open space provisions and sports pitches. It is noted that the applicant has discussed matters with Kegworth Parish Council and additional sports pitches have been identified as a need for the village. It is also noted that the proposed sports pitches and public open space would be over and above that required by NWLDC planning policy documents. To clarify matters, the application would provide space for a sports pavilion or similar to be constructed at a later date, should the application be approved, but does not include that facility as part of the current application.

The NPPF requires that the Council should be able to identify a five year supply of housing land, when measured against the Full Objectivity Assessed Need (FOAN), with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The District Council is able to demonstrate a five year supply of housing land and as a result of this Policies S3 and H4/1 of the Local Plan are not considered to be 'out of date' in the context of Paragraph 49 of the NPPF. However, in terms of the weight which should be afforded to these policies consideration has to be given to the fact that the limits to development, as defined in the adopted Local Plan, were drawn having regard to housing requirements only up until the end of the Plan Period (i.e. to 2006).

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, and the fact that the indicative target as set out in the emerging draft Local Plan is distinct from the FOAN, it remains the case that a five year supply (including 20% buffer) can be demonstrated at this stage.

In terms of Policy S3 the site is outside the limits to development with residential dwellings not being a form of development permitted by Policy S3. Despite this fact consideration should also be given to other Development Plan Policies and National policies including Policy H4/1 which identifies that in releasing appropriate land for housing consideration should be given to various factors. Whether or not a site is "appropriate" is a matter of judgement having regard to its location outside the limits to development.

It is also accepted that the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development given the presumption in favour of such as set out in the NPPF.

The 15.4ha site is currently agricultural land used for arable purposes. The submitted

information submits that the soil classification of the site is classified as Grade 2 and Grades 3a and 3b, forming part of the best and most versatile (BMV) agricultural land. The NPPF indicates that Grade 3b and least versatile lower grade agricultural land should be considered before using BMV. However, the site is bound on all sides by physical man made boundaries and is related only to the fields on the opposite side of the road so any economic benefits of economies of scale for the agricultural use are limited. The indicative plan demonstrates that the site could be developed at the level proposed whilst retaining a sense of openness at this end of the village. On balance, it is considered that the BMV agricultural land classification would not warrant refusal of the scheme.

The area is known to have minerals deposits including sand and gravel possibilities at the site. LCC Planning (Minerals) initially raised objection to the proposal but following submission of additional information in February 2015 has confirmed it has no objection to the development proposal since the minerals assessment demonstrates that the sand and gravel resource which exists is not suitable for processing because of its nature (clay bound and poorly sorted).

Kegworth is considered to be a sustainable settlement which could absorb the increase in population resulting from the proposed development should the effects be appropriately mitigated via contributions towards service provision. In addition, a scheme for up to 150 dwellings would make a significant contribution towards the Council's continued need for a five year housing land supply, and would result in a substantial increase in public open space for the wider village community. Furthermore, access proposals would include a signalised junction which would provide benefit to the operation of the local highway network in addition to traffic queue reduction. It is noted that the site forms BMV agricultural land but due to its physical boundary limitations is not considered that the loss of this land would warrant a refusal of the application. It is also noted that there are no minerals sterilisation or flood risk concerns. As such, the proposal would meet the economic, social and environmental requirements of the NPPF and the development would, in principle, be acceptable at this location.

Design and Residential Amenity

The details of layout, scale, appearance and landscaping are matters reserved for subsequent approval but the site is of sufficient size to accommodate 150 dwellings without causing any adverse impact on existing or planned development, or internally within the site itself. A high quality design would be expected at any reserved matters stage should the application be approved due to the 'gateway' location of the site.

The District Council Environmental Protection team advises that there are no concerns in respect of Air Quality at this location based on the information submitted, and that noise from the M1 would not cause concern. The latter could be designed out through glazing and building materials, and alternative ventilation methods etc.

In addition there is adequate space within the site to accommodate onsite public open space and sports pitches and provision of these elements could be ensured through legal agreement should the application be approved.

The County Ecologist confirms that there are no ecological concerns and conditions attached to any permission could assist with biodiversity enhancement at the site. There are no archaeology concerns in respect of the site.

Sustainable drainage systems could be implemented at the site without having an adverse impact on airport operations and could be dealt with through informative.

As such, the proposed development would comply with Adopted Local Plan policies and the provisions and intentions of national planning policy and guidance.

Access

As set out at the start of this report, off site details relating to the signalised junction and timings and other works within the highway are still being discussed with the applicant and Highway Authority. LCC Highways is working with the applicant to reach an agreement on the details and has confirmed that it has no objection in principle to the development since it would be achievable at the site. It is also considered that the off site highways works would benefit the local highway network and assist in queue reduction within the village and would not have any impact on the strategic highway network.

As such, it is considered that the proposed access and associated works would, in principle, be acceptable.

Developer Contributions

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

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

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

The supporting information confirms that the developer would be agreeable to financial contributions in respect of the scheme and these will be reported on the update sheet with any updated highways requirements.

Conclusion

The proposed development would not be in accordance with Policy S3 of the Adopted Local Plan since it would constitute development in the countryside. However, the economic aspects of the scheme have to be considered in addition to social benefits to the local and wider community including the additional sports pitches, public open space and improvements to the local highway network which would form part of the proposal. Indicative layout plans demonstrate that a scheme could be accommodated on site without causing residential amenity problems or highway safety issues, and design and landscaping issues could be confirmed at a reserved matters stage. As such, the proposed development would be in accordance with other local and national planning policy requirements and, on balance, the application is recommended for approval.

RECOMMENDATION, RESOLVE TO PERMIT, subject to the signing of the Section 106 Agreement and the following conditions, and inclusion of highways conditions, and any others necessarily required, under delegated powers:-

- 1 Application for approval of the reserved matters shall be made to the Local Planning

Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

Reason- This permission is in outline only with all matters, other than access, reserved for subsequent approval.

- 3 The proposed development shall be carried out strictly in accordance with the following plan, unless otherwise required by another condition of this planning permission:

Site location plan Drawing number 5875-L-01 rev C.

Reason - To determine the scope of this permission.

- 4 Notwithstanding Conditions 1, 2 and 3 above, the first reserved matters application shall include a masterplan for the whole of the site setting out indicative details of site layout, areas of open space / children's play, surfacing and width of footpaths through the site, landscaping, density parameters and scale, 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 in 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.

- 5 The reserved matter application(s) shall include precise details of finished ground levels across the site and the finished floor levels of all buildings in relation to an existing datum point.

Reason - To ensure a satisfactory relationship with the adjacent dwellings/the streetscene, as insufficient details have been provided.

- 6 The first reserved matters application shall be accompanied by a further Building for Life 12 assessment.

Reason - To provide evidence that demonstrates detailed compliance with Building for Life 12.

- 7 The first reserved matters application in respect of the matter of landscaping shall provide for an ecological / landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), together with a timetable for its implementation. The development shall be carried out in accordance with the landscape management plan, 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 provide for an appropriate form of development.

- 8 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to September inclusive unless otherwise 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.

- 9 No work shall commence on site until trees on and adjacent to the site have been securely fenced off with protective barriers to form a construction exclusion zone in accordance with BS 5837:2012 Tree in relation to design, demolition and construction. A Tree Protection Plan shall have been submitted to and approved in writing by the Local Planning Authority. Within the protected areas there shall be no alteration to ground levels, no compaction of the soil, no stacking or storing of any materials and no service trenches shall be dug unless first agreed in writing by the Authority.

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

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively during the application 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).

Demolition of existing dwelling and the erection of a single storey building to provide three units for use either as A1 (shops) or A5 (hot food takeaways)

Report Item No
A3

2 Ashby Road Ibstock Coalville Leicestershire LE67 6HA

Application Reference
15/00780/FUL

Applicant:
Ms Trish McCarter

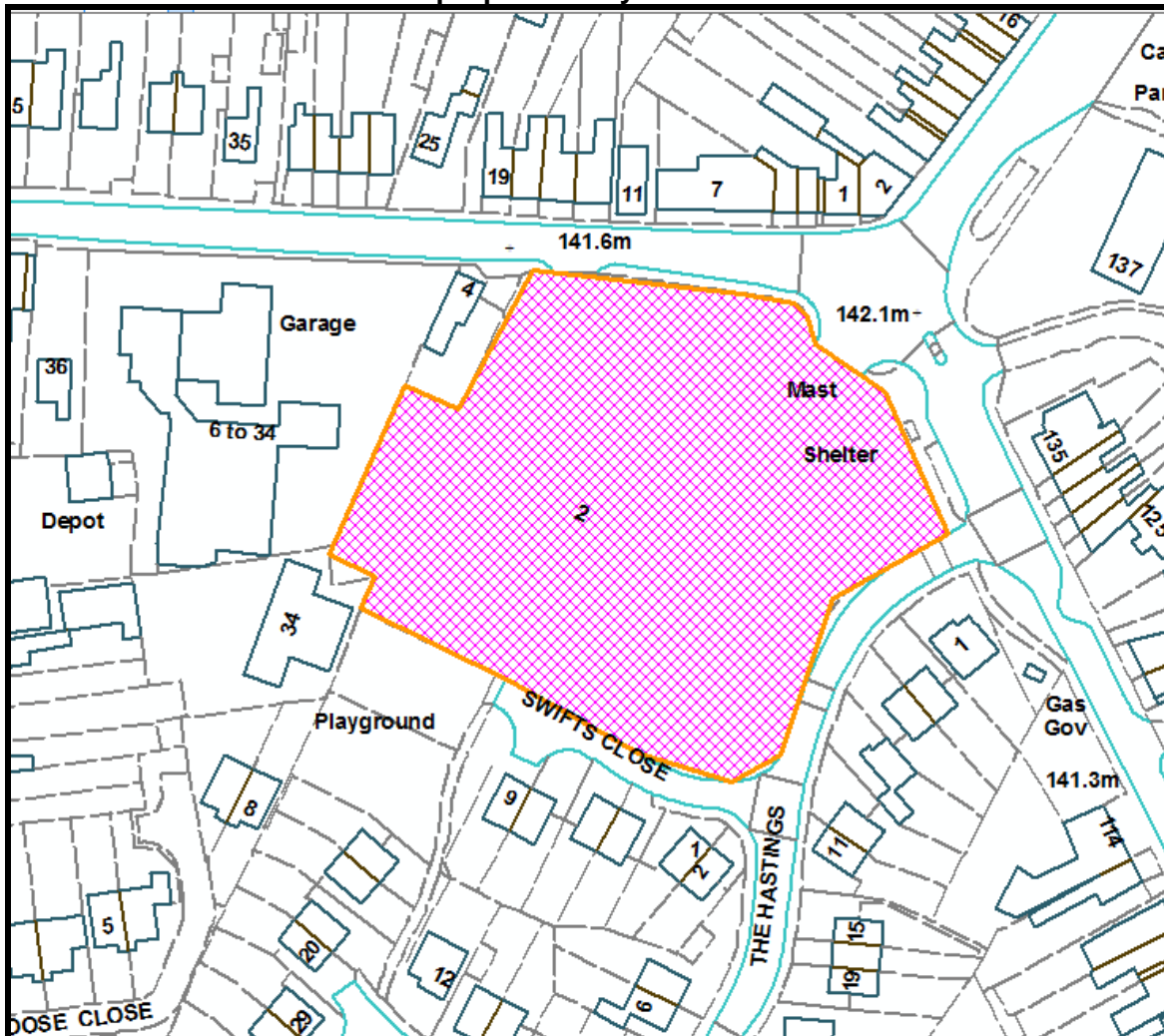
Date Registered
8 September 2015

Case Officer:
James Mattley

Target Decision Date
3 November 2015

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary

Call In

The application falls to be determined by the Planning Committee as it has been 'called-in' by Councillor Clarke under the DEL1 process for a number of planning reasons, including, highway safety, retail impact/demand and planning issues with A5 uses including residential amenity impacts.

Proposal

Planning permission is sought for the demolition of an existing dwelling and the erection of a single storey building to provide three units for use either as A1 (shops) or A5 (hot food takeaways) at the Co-Op site, Ashby Road, Ibstock.

Consultations

Members will see from the report below that objections have been received in respect of the proposals from surrounding neighbours and from Ibstock Parish Council. No objections have been received from any other statutory consultee.

Planning Policy

The application site is within Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also relevant are the retail policies of the National Planning Policy Framework.

Conclusion

The proposed units are located within the limits to development and within a sustainable settlement. A retail sequential assessment has been provided indicating that the application site represents the most sequentially preferable location for the proposed development and the scheme is considered to meet with the advice in the NPPF. Subject to suitable conditions, the proposal would have no adverse impacts upon residential amenities, highway safety or design in accordance with Policies S2, R1, E3, E4, E7, E8, E9, F3, T3, T8 and T13 of the Adopted Local Plan and the provisions and intentions of the NPPF. The application is, therefore, recommended for approval.

RECOMMENDATION - PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND SUBJECT TO THE IMPOSITION OF CONDITIONS

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the demolition of an existing dwelling (No.4 Ashby Road) and the erection of a single storey building to provide three units for use either as A1 (shops) or A5 (hot food takeaways) at the Co-Op site, Ashby Road, Ibstock. The application site is located to the south of Ashby Road and immediately adjacent to a petrol filling station. The surrounding area is characterised predominantly by residential dwellings. The site is located within the limits to development but outside of the retail centre of Ibstock as defined by the North West Leicestershire Local Plan.

The proposed development involves the demolition of an existing vacant two storey residential dwelling which fronts onto Ashby Road. This would be replaced by a new single storey building, located in a similar location, which would measure 24.4 metres in length, 8.7 metres in depth and with a monopitched roof measuring 3.5 metres in height to the eaves and 5.5 metres in height to the ridge. The three units would each have a gross floor area of 65 square metres

Amended plans have been submitted during the course of the application to make amendments to the design of the building.

In terms of hours of operation, there would be no trade beyond 23:00 on Monday to Saturday and nothing beyond 22:30 on a Sunday.

The application is accompanied by a sequential retail assessment and a design and access statement.

The planning history of the site is as follows: -

- 96/00373/P - Erection of a food store and petrol filling station with ancillary car park - Approved 26th June 1996;
- 97/00270/P - Erection of a food store and petrol filling station with ancillary car park (amended scheme) - Approved 18th December 1997;
- 97/01050/P - Erection of a food store and petrol filling station with ancillary car park (amended scheme) - Approved 20th November 1998;
- 01/00574/FUL - Erection of extension to form travel agent - Approved 26th July 2001;
- 01/00861/FUL - Erection of warehouse extension - Approved 17th September 2001;
- 01/00886/FUL - Installation of a 1.0m diameter wall mounted satellite antenna - Approved 21st September 2001;
- 01/01320/FUL - Erection of boundary fencing - Approved 14th December 2001;
- 02/00351/RET - Retention of 1metre diameter satellite dish - Approved 3rd May 2002;
- 02/00645/ADC - Display of internally illuminated and non-illuminated advertisements - Approved 4th July 2002;
- 06/01190/T56 - Installation of a radio equipment cabinet - Approved 27th September 2006;
- 11/00549/FUL - Installation of an ATM and ancillary fixtures on front elevation - Approved 30th August 2011;
- 11/00688/ADC - Display of various illuminated and non-illuminated signage - Withdrawn 18th January 2012;
- 12/00217/ADC - Display of various illuminated and non-illuminated advertisements - Approved 23rd April 2012;
- 13/00213/FUL - Alterations to entrance - Approved 7th May 2013.

2. Publicity

32 no. neighbours have been notified. (Date of last notification 4 November 2015)

Site Notice displayed 6 October 2015

3. Consultations

Ibstock Parish Council consulted 9 September 2015

NWLDC Urban Designer

County Highway Authority

Severn Trent Water Limited

Head of Environmental Protection

LCC ecology

4. Summary of Representations Received

Ibstock Parish Council objects to the application on the following grounds:

- _ Government policy is to promote the High Street and this application fails to achieve this;
- _ No details on what the shops would be but they will impact on the facilities currently offered on the High Street;
- _ There are already parking and servicing issues with the current site;
- _ The Co-Op should utilise some of the vacant shops on the High Street.

County Ecologist has no objections to the proposal.

County Highway Authority has no objections to the proposal subject to the inclusion of conditions.

North West Leicestershire Environmental Protection Section has no objections subject to conditions to ensure that suitable ventilation extraction equipment is installed.

North West Leicestershire Contaminated Land Officer has no objections subject to conditions.

Severn Trent Water has no objection subject to the inclusion of relevant conditions.

A total of six representations have been received objecting to the application on the following grounds:

- _ Units could be used as fast food outlets which could be used until late at night and could cause anti-social behaviour issues and increased litter;
- _ There are a number of elder residents in the surrounding area who would not be able to cope with potential issues;
- _ The Co-Op has not consulted prior to submitting the application;
- _ The proposal would demolish an existing residential property;
- _ Retail units should be located within the village centre;
- _ The units are poorly designed and would not be in keeping with the street scene;
- _ Additional traffic and heavy goods vehicles will increase highway safety dangers;
- _ There is a lack of space for servicing;
- _ The proposal would result in the loss of existing storage and waste disposal areas;

- _ lbstock has a sufficient level of fast food outlets;
- _ Car parking at the Co-Op is already inadequate;
- _ More information on the time of deliveries is required;
- _ Proposal could impact upon shops located within the village centre.

5. Relevant Planning Policy

National Policies

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

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

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

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

Paragraph 14 (Presumption in favour of sustainable development)
 Paragraph 17 (Core Planning Principles)
 Paragraph 19 (Building a strong, competitive economy)
 Paragraph 23 (Ensuring the vitality of town centres)
 Paragraph 24 (Ensuring the vitality of town centres)
 Paragraph 32 (Promoting sustainable transport)
 Paragraph 34 (Promoting sustainable transport)
 Paragraph 56 (Requiring good design)
 Paragraph 57 (Requiring good design)
 Paragraph 58 (Requiring good design)
 Paragraph 61 (Requiring good design)
 Paragraph 66 (Requiring good design)
 Paragraph 123 (Conserving and enhancing the natural environment)
 Paragraph 203 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (August 2002)

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

Policy S2 states that development within the Limits to Development will be permitted where it complies with the policies in the Local Plan.

Policy E3 seeks to prevent development which would be significantly detrimental to the

amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 seeks to achieve good design in new development.

Policy E7 states that all development should make appropriate provision for hard and soft landscaping.

Policy E8 states development will only be permitted where appropriate crime prevention measures are incorporated as an integral part of the design, layout and landscaping features.

Policy E9 requires access by all persons with restricted mobility where sites are open to the public.

Policy F3 requires landscaping and planting schemes for new development.

Policy T3 states that development will be permitted only where its highway design and layout make adequate provision for vehicular access, servicing arrangements and circulation.

Policy T8 sets out the criteria for the provision of parking associated with development.

Policy T13 requires adequate provision for cycle parking.

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

Other Policies

6Cs Design Guide (Highways, Transportation and Development) - 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.

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 policies listed below are considered relevant in the determination of 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

S5 - Design of new development

Ec9 - Town and Local centres: Hierarchy and management of Development

Ec11 - Town and Local centres: Primary Shopping Area - Non-Shopping uses

Ec13 - Primary and Secondary Frontages

6. Assessment

Principle

The site is located within the limits to development as defined in the development plan for North West Leicestershire comprises the saved policies of the 2002 Local Plan, which was altered in

2004 and 2005. However, the site is not located within the local centre of Ibstock (it is approximately 400 metres away) and the scheme includes for A1 (Shops)/A5 (Hot Food Takeaway) uses. Policy R1 of the Local Plan and more up to date advice in the NPPF provides advice on dealing with shopping and related development outside of designated retail areas. Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Applications for main town centre uses should be required to be located in town centres, then in edge of centre locations and, only if suitable sites are not available, should out-of centre sites be considered. Paragraph 24 goes on to say that when considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre.

The application is accompanied by a sequential approach assessment. This indicates that the development is proposed as complimentary Class A development to the Co-Op's existing foodstore, sharing access parking and servicing. As such, the location of the application proposals on an alternative more centrally located site, if such a site existed, would severe the complementary nature the development seeks to deliver and render the development incapable of functioning as required. The sequential approach assessment also goes onto consider the availability of sites and premises in and on the edge of the Ibstock retail centre. It identifies 67 separate properties which make up the retail centre and, at the time of the report, none of these were vacant. The assessment also states that there are no derelict sites and/or premises that are vacant on the edge of the retail centre which lend themselves to redevelopment for retail purposes.

It is understood that since the submission of the assessment Ibstock Community Enterprise have a small unit currently available to let. However, this would not appear sufficiently large enough to accommodate the proposed development and it is also noted that the Council's SPD contains policies which seek to resist further A5 uses within the retail centre of Ibstock. Having regard to the submitted information, it has been demonstrated that there are no sequentially preferable sites that are suitable and available to accommodate the application proposals either in or on the edge of the Ibstock retail area. Therefore, the application site represents the most sequentially preferable location for the proposed development and the scheme is considered to be in accordance with paragraph 24 of the NPPF.

In terms of a retail impact assessment, the NPPF advises that a threshold of 2,500 square metres is appropriate where no alternative policy is contained in the development plan. As the scheme proposes only 195 square metres of floorspace then a retail impact assessment is not required for this application.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The settlement of Ibstock benefits from a range of local services and is readily accessible via public transport. The proposal for the erection of new A1/A5 units within the settlement boundary of Ibstock, is, therefore, considered to score well against the sustainability advice in the NPPF.

Overall, taking all of the above into account, the scheme is considered to be acceptable in principle.

Residential Amenity

Consideration has been given to the residential amenity impacts of the proposal particularly as letters of representation have raised issues in this regard. There are no residential properties

immediately to the west, north and east of the proposed new building. The closest residential properties would be those located over the road, the closest of which would be around 14 metres away.

Concern has been expressed regarding late night opening causing disturbance to surrounding residents. The applicants have confirmed that there would be no trade beyond 23:00 on Monday to Saturday and nothing beyond 22:30 on a Sunday. It is understood that the existing Co-Op is open until 22:00 during the week. The operating hours proposed are considered to be reasonable when having regard to the opening hours of similar A5 (Hot Food Takeaway) establishments in the town centre (i.e. No.41 High Street has opening hours of 0900 - 2330 Monday, Tuesday, Wednesday, Thursday, Sunday and Bank Holidays and between the hours of 0900 - 0000 Friday and Saturday).

It should be noted that all of the units could be operated as A1 uses and, if this was the case, it is unlikely that the units would stay open until 23:00 on Monday to Saturday and 22:30 on a Sunday. In order to try and limit any potential/perceived disturbance to surrounding residents, the applicants have confirmed that they would be willing to accept a condition restricting that not more than two of the units are used for A5 (Hot Food Takeaway) purposes. In terms of anti-social behaviour issues (and any perceived impacts), no evidence has been supplied to indicate that the proposed development would result in such issues occurring. Should issues arise in this regard, then they would need to be dealt with by the appropriate body.

The Council's Environmental Protection team have no objections to the proposed scheme subject to conditions in respect of extraction and ventilation equipment. This would ensure that if the scheme were to be used for A5 purposes that suitable extraction equipment is proposed to ensure that odour was controlled and would not cause issues to surrounding residents.

The proposed building would be single storey in height and, taking into account the distance to surrounding residential properties, it would not result in significant overlooking, overbearing or overlooking impacts.

Therefore, subject to conditions in respect of opening hours and extraction and ventilation equipment, it is considered that the proposed development would have an acceptable impact upon surrounding residential occupiers. The scheme is considered to be acceptable in relation to Policy E3 of the Local Plan.

Highway Safety

The existing access and egress arrangements from Ashby Road would be utilised. There are a total of 102 car parking spaces on the site and the proposed units would result in the loss of two car parking spaces. The County Highway Authority (CHA) have been consulted on the application to ensure that the proposed access, car parking levels and servicing arrangements are deemed to be acceptable. Subject to conditions, including in respect of ensuring that vegetation is kept to below 0.6 metres in height around the exit only route, the CHA raise no objections to the proposed scheme.

The concerns of the Parish Council and neighbouring residents in relation to highway safety are recognised. However, the County Highway Authority has no objections to the proposed development subject to relevant highway conditions. Therefore, it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan or the advice in the NPPF.

Design

The need for good design in development is outlined not only in Local Plan Policy E4, but also paragraphs 57, 60 and 61 of the NPPF, with paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

The scheme has been the subject of extensive discussions and negotiations with the District Council's Urban Designer during the course of the application, and has been amended in order to address previously expressed concerns regarding the design quality of the scheme. The concerns principally related to the failure to front onto Ashby Road and failure to provide a locally inspired or otherwise distinctive design. Amended plans have been submitted which represent an improvement over the originally submitted plans and which show for a building that now addresses Ashby Road and includes for a building that has a National Forest identity with the inclusion of timber cladding and open toe rafters. The District Council's Urban Designer considers that the scheme now addresses the majority of the previous concerns which have been raised although it would be necessary to attach planning conditions in respect of materials and extraction equipment.

The one outstanding issue in respect of design is in relation to the rear elevation of the building which would be visible from Ashby Road across the existing petrol forecourt. The Council's Urban Designer considers that this elevation should be improved as it is prominent within the street scene and could contain elements such as air conditioning units which would detract from the overall design and appearance of the scheme. The applicant's agent has been contacted regarding these concerns and does not agree that further changes are required in respect of the scheme. The agent points out that there is an existing two storey (and fairly blank) elevation which currently exists in this location and that the location of extraction equipment on the building is shown to be indicative only at this stage. A photomontage has been provided showing that the elevation would be screened to some extent by a new close boarded timber fence along with existing signage and landscaping. Whilst the proposed elevation is not ideal in design terms, when having regard to the 'fall-back' position of a large two storey blank facade which currently exists, it is not considered that the proposal would result in any additional visual harm that would warrant a refusal of the application. Conditions can be applied to any planning permission on the site to control the design and location of extraction/ventilation equipment along with the height of the proposed new fencing.

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

Other

It is noted that should an application have simply been submitted for the demolition of the property this would have required prior notification (not a planning application) and the only issues that the Local Authority could have taken into account would have been the proposed

method of demolition and the restoration of the site. As planning permission is not required for the demolition of the dwellinghouse, it is not considered that the application could be refused for this reason.

Although concern has been expressed regarding the loss of existing storage and waste disposal areas, the submitted plans indicate a shared delivery zone and secure storage areas to the rear of the units.

Conclusion

The proposed units are located within the limits to development and within a sustainable settlement. A retail sequential assessment has been provided indicating that the application site represents the most sequentially preferable location for the proposed development and the scheme is considered to meet with the advice in the NPPF. Subject to suitable conditions, the proposal would have no adverse impacts upon residential amenities, highway safety or design in accordance with Policies S2, R1, E3, E4, E7, E8, E9, F3, T3, T8 and T13 of the Adopted Local Plan and the provisions and intentions of the NPPF. The application is, therefore, recommended for approval.

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

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

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

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

- _ Drawing Number 10478-20-02 Rev D deposited with the Local Planning Authority on 3 November 2015;
- _ Drawing Number 10478-20-01 Rev E deposited with the Local Planning Authority on 3 November 2015;
- _ Drawing Number 10478-90-04 Rev D deposited with the Local Planning Authority on 3 November 2015;
- _ Drawing Number 10478-90-02 deposited with the Local Planning Authority on 3 November 2015;
- _ Drawing Number 10478-90-01 deposited with the Local Planning Authority on 3 November 2015.

Reason - To determine the scope of this permission.

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order), the units shall be used solely for purposes falling within Class A1 or A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and for no other purpose.

Reason - To determine the scope of the planning permission and to comply with Policy R1 of the North West Leicestershire Local Plan.

- 4 None of the units hereby permitted shall be amalgamated or subdivided, unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure satisfactory control over the retail impact of the development, and to comply with Policy R1 of the North West Leicestershire Local Plan.

- 5 No more than two of the units shall be used for A5 (Hot Food Takeaway) purposes at any one time, unless separate planning permission has first been obtained from the Local Planning Authority.

Reason - In the interests of residential amenity.

- 6 Notwithstanding the submitted plans, nor Condition 2 above, no plant, machinery or other mechanical/ventilation/extraction equipment shall be installed to the exterior of the building until such time as precise details of the proposed plant, machinery or equipment (and including details of the anticipated noise levels that would be generated together with any mitigation measures) have been submitted to and agreed in writing by the Local Planning Authority. No plant, machinery or other mechanical/ventilation/extraction equipment shall be installed or operated at any time other than in accordance with the agreed details.

Reason - In the interest of residential amenities.

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

Reason - To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water, to prevent pollution of the water environment, and to prevent the increased risk of flooding.

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

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

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

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

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

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

- 9 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

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

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

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

- 11 No walls, planting or fences shall be erected or allowed to grow on the highway

boundary fronting Ashby Road, exceeding 0.6 metres in height above the level of the adjacent carriageway.

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

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

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

- 13 The existing vehicular access that become redundant as a result of this proposal (the access serving No.4 Ashby Road) shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority within one month of the new access being brought into use.

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.

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

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

- 15 The car parking and any turning facilities shown within the submitted plan shall be provided, hard surfaced and made available for use before the units are brought into use and shall thereafter be permanently so maintained.

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

- 16 No development shall commence on site until precise details of secure cycle parking provision have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided prior to first use of the development and thereafter be so maintained.

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

- 17 The opening hours of the units hereby approved shall be limited to between the hours of

0800 - 2300 Monday to Saturday and between the hours of 0800 - 22:30 on a Sunday.

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

18 Notwithstanding the submitted plans, nor Condition 2 above, no development (excluding demolition) shall commence on site until detailed plans/details/samples (as appropriate) of the:-

- a. bricks
- b. cladding
- c. roofing materials
- d. rain water goods
- e. windows and doors

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

Reason - To ensure that the works are executed in an appropriate manner and to ensure a satisfactory standard of design.

19 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until such time as a detailed scheme for the boundary treatment of the site has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before any unit is occupied.

Reason - To preserve the amenities of the locality and to approve the design of the boundary treatments.

20 No development shall commence on site until such time as precise details of the existing and finished ground levels and the proposed floor levels of the building in relation to an existing datum point have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

Notes to applicant

1 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.

The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.

2 In relation to condition 6, the Council's Environmental Health Department states the following:

The extraction system should comprise of the following

Manufacturers specifications of extraction fan and any filters proposed.

Location of component parts including ductwork.
Location and height of final discharge flue to atmosphere
An indication of expected noise levels generated by the system.

As a guide, the minimum standard that the applicant should aim to achieve is,

A three stage filtration system (grease filter over cooking range, then a fabric filter followed by a carbon filter)

A terminal flue height of one metre above eaves with a vertical, unrestricted, discharge, and

A minimal terminal efflux velocity of fifteen metres per second.

- 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 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.

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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
A4

Land To The Rear Of Parkdale Ashby Road Ibstock Leicestershire

Application Reference
15/00701/VCIM

Applicant:
Mr Kevin Scott

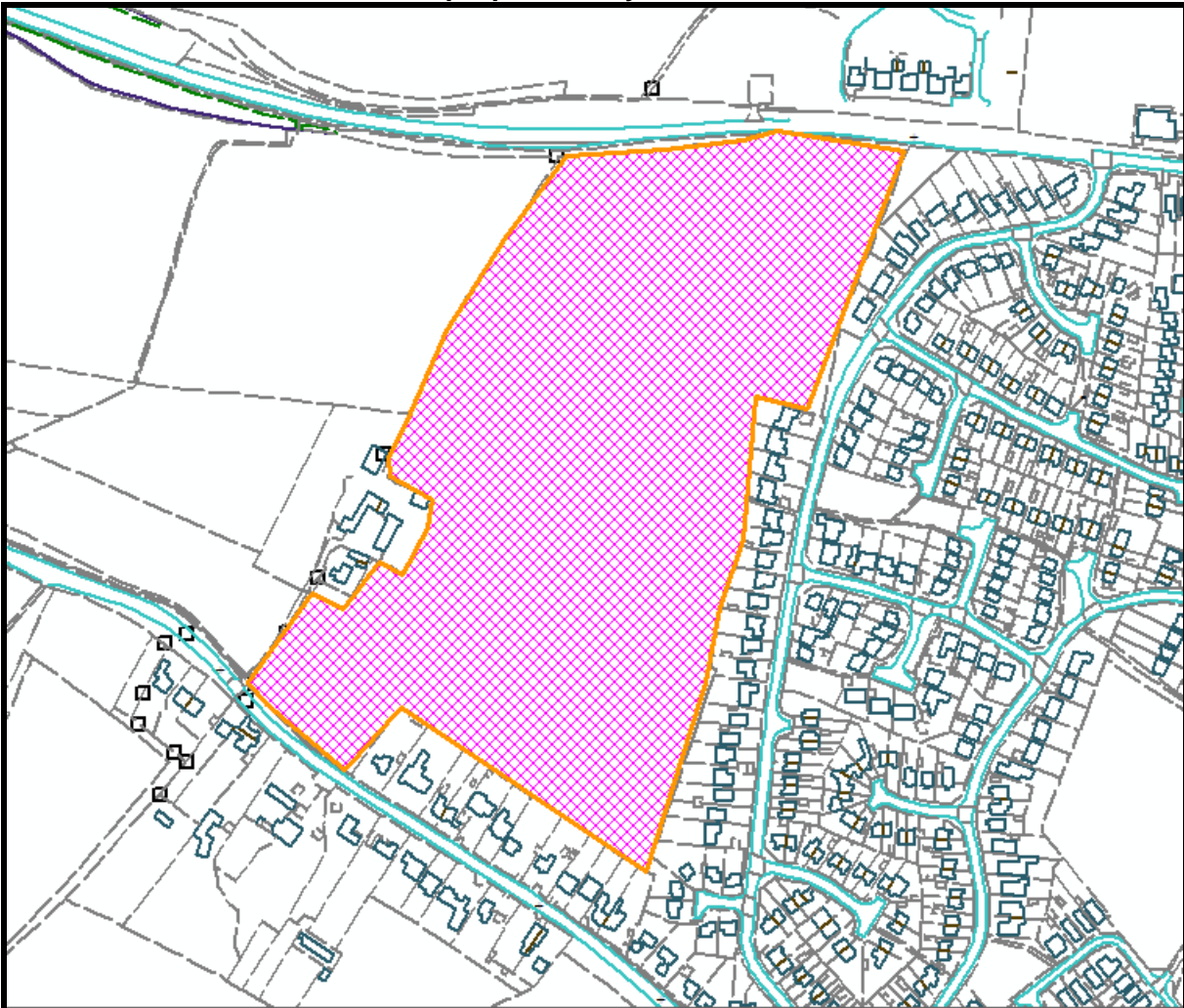
Date Registered
30 July 2015

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.

The application was deferred at the Planning Committee Meeting of the 6th October 2015 to allow residents of Nos. 83, 85 and 87 Parkdale to meet with representatives of Bellway to discuss the fencing. This meeting occurred on the 26th October 2015 with the Planning Case Officer, Planning Enforcement and Councillor's Clarke and Richichi also being in attendance.

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.

The application was deferred at the Planning Committee Meeting of the 6th October 2015 to enable residents of Nos. 83, 85 and 87 Parkdale to meet with representatives of Bellway to discuss the situation on site and determine a way forward. This meeting was held on the 26th October 2015 with the Planning Case Officer, Planning Enforcement and Councillor's Clarke and Richichi also being in attendance. Following the meeting Bellway were advised that discrepancies existed on the plan, due to there appearing to be a 'gap' of 2.5 metres between the existing boundaries to properties on Parkdale and the position of the fencing to the relevant plots, and that this situation should be checked and clarified in relation to the topographical survey originally undertaken. Amended plans were received on the 16th November 2015 which show the fencing in its 'as built' position with the correspondence from Bellway advising the following:-

"Further to those discussions, we have, as agreed, rechecked our details relating to ordnance survey grid, topographical survey and setting out co-ordinates and note the following.

Following this check, we have discovered there was a discrepancy on our drawings insofar as the grid alignment indicated on the drawings had not been positioned correctly to the ordnance survey data. The result of this was that alignment of the proposed boundary fence on the Boundary Treatments Plans being indicated as "2.5m away from existing boundary" - this was not the intention.

As discussed on site, the boundary fence line is sited on our land title boundary as currently set out on site.

We apologise for the error on the drawings but confirm the boundary line as now shown, is in accordance with our title plan as registered and approved by Land Registry."

Neighbours have been reconsulted on the amended plans.

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 no. 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
Planning Enforcement

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;

Draft Consultation 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.

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.

For the purposes of clarification the below assessments have been based on the position of the fencing 'as built', rather than an assumption that the fencing was '2.5 metres away from existing boundaries', with Bellway now confirming that the fencing is erected on land which is in the limit of their ownership.

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 25.0 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 compliance with the aims of Policies E7, F1, F2 and F3 of the Local Plan.

Other Matters

Bellway have confirmed that the extent of land within their ownership is defined by the fencing which has been erected to the Plots which back onto Nos. 83, 85 and 87 Parkdale and that the inaccuracies in the plans originally submitted have been rectified following clarification on

ordnance survey data. This ultimately leaves a strip of land between the boundary treatments of existing residents and those associated with the Bellway development and 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).

As Bellway do not own the strip of land which now exists they would not be in a position to 'gift' this land to existing residents but as discussed at the previous Committee meeting the occupants of Nos. 83, 85 and 87 Parkdale could review the situation in respect of the extent of their own land ownership and potentially 'incorporate' this land into their gardens by removing their existing boundary treatments. Discussions on such a matter would occur independently of the planning process given that they relate to land ownership issues. For the avoidance of doubt, however, it is noted that should such land be purchased by the occupants of properties on Parkdale, or it is ascertained that it is within their ownership, then it may be necessary 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: -

PLANNING APPLICATIONS- SECTION A

- 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;

PLANNING APPLICATIONS- SECTION A

- 2015, relating to the materials for Plots 109-118, 150-155 and 176-183;
- IBS-FEN-02D (Boundary Treatments Layout), received by the Local Authority on the 16th November 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-01H (Site Layout), received by the Local Authority on the 16th November 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-01F (Boundary Treatments Layout), received by the Local Authority on the 16th November 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-02D, received by the Local Authority on the 16th November 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-01F, received by the Local Authority on the 16th November 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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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
A5

Land To The Rear Of Parkdale Ashby Road Ibstock
Leicestershire

Application Reference
15/00698/VCIM

Applicant:
Mr Sam McShane

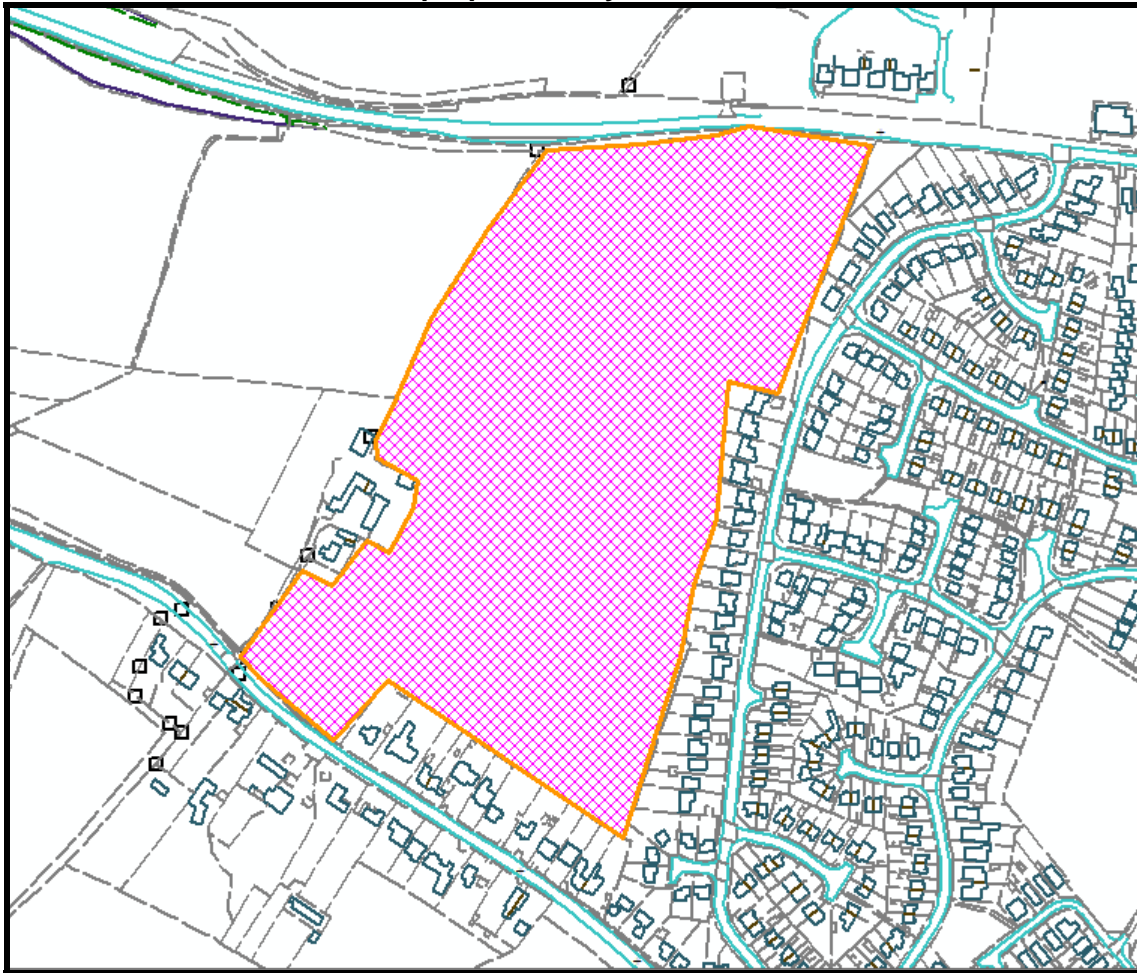
Date Registered
30 July 2015

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.

The application was deferred at the Planning Committee Meeting of the 6th October 2015 to allow residents of Nos. 83, 85 and 87 Parkdale to meet with representatives of Bellway to discuss the fencing. This meeting occurred on the 26th October 2015 with the Planning Case Officer, Planning Enforcement and Councillor's Clarke and Richichi also being in attendance.

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.

The application was deferred at the Planning Committee Meeting of the 6th October 2015 to enable residents of Nos. 83, 85 and 87 Parkdale to meet with representatives of Bellway to discuss the situation on site and determine a way forward. This meeting was held on the 26th October 2015 with the Planning Case Officer, Planning Enforcement and Councillor's Clarke and Richichi also being in attendance. Following the meeting Bellway were advised that discrepancies existed on the plan, due to there appearing to be a 'gap' of 2.5 metres between the existing boundaries to properties on Parkdale and the position of the fencing to the relevant plots, and that this situation should be checked and clarified in relation to the topographical survey originally undertaken. Amended plans were received on the 16th November 2015 which show the fencing in its 'as built' position with the correspondence from Bellway advising the following:-

"Further to those discussions, we have, as agreed, rechecked our details relating to ordnance survey grid, topographical survey and setting out co-ordinates and note the following.

Following this check, we have discovered there was a discrepancy on our drawings insofar as the grid alignment indicated on the drawings had not been positioned correctly to the ordnance survey data. The result of this was that alignment of the proposed boundary fence on the Boundary Treatments Plans being indicated as "2.5m away from existing boundary" - this was not the intention.

As discussed on site, the boundary fence line is sited on our land title boundary as currently set out on site.

We apologise for the error on the drawings but confirm the boundary line as now shown, is in accordance with our title plan as registered and approved by Land Registry."

Neighbours have been reconsulted on the amended plans.

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 no. 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;

Draft Consultation 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.

For the purposes of clarification the below assessments have been based on the position of the fencing 'as built', rather than an assumption that the fencing was '2.5 metres away from existing boundaries', with Bellway now confirming that the fencing is erected on land which is in the limit of their ownership.

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 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 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;

- 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;

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- 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;
- 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-02D (Boundary Treatments Layout), received by the Local Authority on the 16th November 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-02D, received by the Local Authority on the 16th November 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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