

Meeting	PLANNING COMMITTEE
Time/Day/Date	6.30 pm on Tuesday, 8 January 2019
Location	Council Chamber, Council Offices, Coalville
Officer to contact	Democratic Services (01530 454512)

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 4 December 2018	3 - 4
4.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Planning and Development Team Manager.	5 - 8

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	18/01973/FULM: Erection of 25 no. dwellings and associated infrastructure Land At Butt Lane Blackfordby Derby	PERMIT subject to S106 Agreement	9 - 24
A2	18/01599/OUTM: Erection of 9 dwellings including associated access and parking arrangements (Outline - means of access and layout for approval) 115 Station Road Hugglescote Coalville Leicestershire LE67 2GB	PERMIT	25 - 40
A3	18/02002/FUL: Conversion and extension of existing building to one residential dwelling 33-35 High Street Packington Ashby De La Zouch Leicestershire LE65 1WJ	PERMIT subject to S106 Agreement	41 - 54

MINUTES of a meeting of the PLANNING Committee held in the Council Chamber, Council Offices, Coalville on TUESDAY, 4 December 2018

Present: Councillor N Smith (Chairman)

Councillors R Adams, R Ashman, R Canny, J Clarke (Substitute for Councillor R Boam), J G Coxon, D Harrison, G Jones, J Legrys, V Richichi (Substitute for Councillor J Bridges) and M Specht

In Attendance: Councillors R Johnson and T J Pendleton

Officers: Mr C Elston, Mrs S Grant, Mrs C Hammond and Mr J Knightley

38. APOLOGIES FOR ABSENCE

Apologies were received from Councillors R Boam and J Bridges.

39. DECLARATION OF INTERESTS

There were no interests declared.

40. MINUTES

Consideration was given to the minutes of the meeting held on 6 November 2018.

It was moved by Councillor M Specht, seconded by Councillor J Legrys and

RESOLVED THAT:

The minutes of the meeting held on 6 November 2018 be approved and signed by the Chairman as a correct record.

41. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Planning and Development Team Manager, as amended by the update sheet circulated at the meeting.

42. A1

18/01534/OUT: MIXED USE DEVELOPMENT COMPRISING B1 (OFFICE) PREMISES AND RESIDENTIAL DEVELOPMENT OF 6 NO. DWELLINGS, GARAGING AND ASSOCIATED INFRASTRUCTURE (OUTLINE - ACCESS ONLY)

Crusher Yard Site Pipeyard Lane Works Pipeyard Lane

Officer's Recommendation: Permit

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

The Planning and Development Team Manager read out a statement from Councillor R Boam, adjoining ward member, advising that there was full support from the residents for the application as the current use of the site would involve heavy vehicles driving through the villages.

In determining the application Members had regard to the confirmation that the applicant, landowners and Council would be willing to enter into an indemnification agreement to allow access to the site for bin collections. Members thanked officers for making every effort to resolve the only issue they had with the application.

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

The Chairman then put the motion to the vote. A recorded vote being required, the voting was as follows:

Motion to permit the application in accordance with the officer's recommendation as amended by the update sheet (Motion)	
Councillor Ron Adams	For
Councillor Robert Ashman	For
Councillor Rachel Canny	For
Councillor John Clarke	For
Councillor John Coxon	For
Councillor Dan Harrison	For
Councillor Geraint Jones	For
Councillor John Legrys	For
Councillor Virge Richichi	For
Councillor Nigel Smith	For
Councillor Michael Specht	For
Carried	

RESOLVED THAT:

The application be permitted in accordance with recommendation of the Planning and Development Team Manager as amended by the update sheet.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 6.46 pm

APPENDIX B

**Report of the Planning and Development Team Manager
to Planning Committee**

8 January 2019

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

4. Reasons for Grant

Where the Head of Planning and Infrastructure 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 Infrastructure 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 Infrastructure/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 Infrastructure.

9. Decisions on Items of the Head of Planning and Infrastructure

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.

Erection of 25 no. dwellings and associated infrastructure

Report Item No
A1

Land At Butt Lane Blackfordby Derby

Application Reference
18/01973/FULM

Grid Reference (E) 432561
Grid Reference (N) 318158

Date Registered:
2 November 2018

Consultation Expiry:
30 November 2018

Applicant:
Mr Chris Smith

8 Week Date:

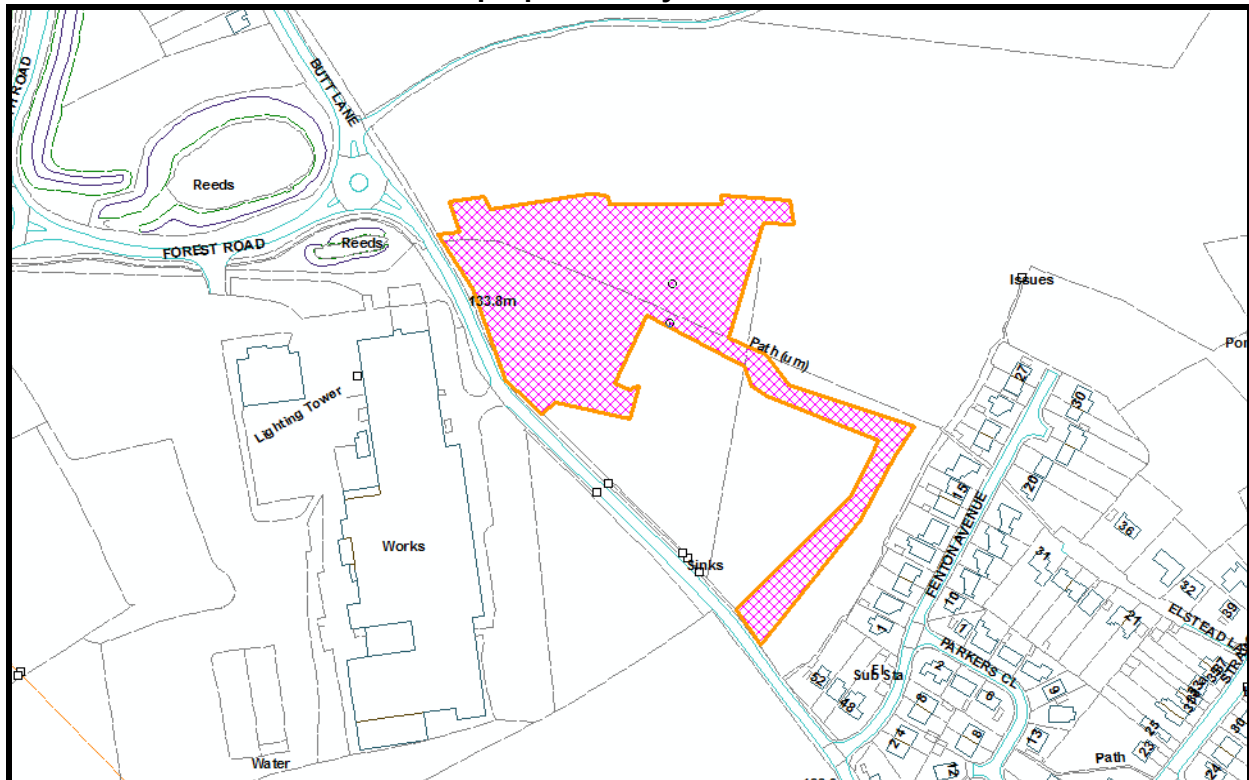
1 February 2019

Case Officer:
Ebbony Mattley

Extension of Time:
None Agreed

Recommendation:
PERMIT subject to S106 Agreement

Site Location - Plan for indicative purposes only



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1. Proposals and Background

Executive Summary of Proposals and Reasons for Approval

Reason for Call In

The application is called in to Planning Committee by Councillor McKendrick on the basis of the site being outside Limits to Development and is an over extensive development.

Proposal

This is a full application for the erection of 25 dwellings and associated infrastructure.

Consultations

Objections have been received from third parties and Ashby De La Zouch Town Council, no objections have been received from other statutory consultees, with the Lead Local Flood Authority requesting additional information.

Planning Policy

The application site is outside the Limits to Development, in the adopted North West Leicestershire Local Plan.

Conclusion

The key issues are:

- Principle of Development
- Density, Siting, Design and Impact upon Character
- Impact upon Heritage Assets
- Access, Highway Safety and Public Footpaths
- Impact upon Residential Amenity
- Coal Mining and Contamination
- Flood Risk and Drainage
- Impact on the River Mease Special Area of Conservation/SSSI
- Ecology and Archaeology
- Developer Contributions

The report below looks at these details, and Officers conclude that the details are satisfactory. The detailed scheme meets the requirements of relevant NWLDC policies.

RECOMMENDATION - Subject to no material concerns being raised by the Lead Local Flood Authority, Permit, subject to a legal agreement and 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

Full planning permission is sought for the erection of 25 dwellings and associated infrastructure at land to the east of Butt Lane, Blackfordby.

An application for outline planning permission with access (ref: 15/00083/OUTM) was refused on the 3 July 2015 but subsequently allowed at appeal on the 7th December 2016 (appeal ref: APP/G2435/W/15/3137258) for up to 81 dwellings, subject to a Section 106 agreement which secured contributions towards affordable housing, play and open space, the River Mease SAC, the provision of National Forest planting, a library contribution, travel pack contribution, bus pass contribution, bus stop improvements scheme, bus stop works contribution, construction traffic scheme, travel plan, travel plan monitoring fee and education contributions.

The first reserved matters application (ref: 17/01556/REMM) relating to the redevelopment of the site for 71 dwellings, internal access roads, landscaping, open space and woodland planting was approved in April 2018. A subsequent application for the second and final reserved matters application (ref: 18/01975/REMM) for the remaining 10 dwellings is current under consideration by the Local Planning Authority.

This application relates to a new, separate scheme for 25 dwellings, comprising four 2 bedroomed dwellings, fifteen 3 bedroomed dwellings and six 4 bedroomed dwellings.

The scheme for the additional 25 dwellings, falls within the 'red edge boundary' of the original application for 81 dwellings ref: 15/00083/OUTM.

Recent Planning History:-

18/01975/REMM - Erection of 10 no. dwellings (Phase 2) - Reserved matters of scale, layout, landscaping and appearance to outline planning permission APP/G2435/W/15/3137258 - Pending Consideration.

18/02122/NMA - Non materials amendment to planning permission reference 17/01556/REMM to remove chimneys to plots 5, 6, 10, 42 and 63 and plot substitution to plots 15, 18, 32, 35, 36, 44, 70 and 71 - 11.12.2018.

18/01655/NMA - Non material amendment to planning permission reference 17/01556/REMM to amend the internal road layout (Road 3) and plot substitution of Plot 42 - Approved - 20.09.2018.

18/01282/NMA - Non material amendment to planning permission 17/01556/REMM to amend the location of the substation - Approved - 17.08.2018.

18/00361/FUL - Construction of a temporary access for three years in connection with the development of the site - Approved - 10.05.2018.

17/01556/REMM - Erection of 71 dwellings, internal access roads, landscaping, open space and woodland planting (Reserved Matters to Outline Planning Permission Reference APP/G2435/W/15/3137258 - Approved - 06.04.2018.

15/00083/OUTM - Residential development (up to 81 dwellings), associated open space, community and drainage infrastructure (Outline - access only) Re-submission of 14/00460/OUTM - Refused - 03.07.2015, appeal ref: APP/G2435/W/15/3137258 allowed on 07.12.2016.

14/00460/OUTM - Residential development (up to 81 Dwellings), associated open space (incorporating community infrastructure), drainage infrastructure (outline - access included) - Refused - 03.12.2014.

2. Publicity

230 Neighbours have been notified.
Site Notice displayed 8 November 2018.
Press Notice published Burton Mail 14 November 2018.

3. Summary of Consultations and Representations Received

Ashby Town Council object to the application, stating:-

"Planning approval for the wider site was granted following a planning appeal for 81 dwellings. This application would increase the number of dwellings to 106. This represents over intensive development of the site."

Leicestershire County Council - Lead Local Flood Authority have requested evidence of the viability of the outfall from the site, further detailing in respect of the volume of the attenuation ponds and further information in relation to the long-term management and maintenance responsibility of the drainage infrastructure on site, ensuring the long-term viability of the drainage strategy.

No objection from:-

Environment Agency
National Forest
Coal Authority
Police Architectural Liaison Officer
NWDLC Head of Housing
NWLDC Environmental Protection
NWLDC Conservation Officer

No objection, subject to condition(s) from:-

Severn Trent
Natural England
Leicestershire County Council - Highways
Leicestershire County Council - Ecology
Leicestershire County Council - Footpaths
NWLDC Environmental Protection - Land Contamination

Third Party Representations

8 letters of neighbour representation have been received, raising objections on the following grounds:-

- Application represents a 30% increase; typical ploy from the developer to increase numbers;
- Planning Inspector gave permission for a set number - no more; should not be approved, just under the threat of appeal;
- Has the Blackfordby area reached its recommended number of houses?;
- Density - the houses have architectural merit but should be afforded larger individual plots; the areas of open space is currently very high and one solution would be to reduce this, to provide greater sized plots;
- Additional traffic and highway safety concerns; Butt Lane is too narrow and the road surface is poor; increase in HGV movements on village lanes to access the Butt Lane building site and a more logical route from the A511 and Hepworth Road, should be utilised;
- Is there enough off road parking for the extra dwellings?;
- The FRA must be re-assessed and the LFFA and Severn Trent consulted; the flood risk data is flawed in that several historic flooding events have been ignored; calculations of sewage flow do not appear to have been increased and there does not appear to be any change in sewage infrastructure to cope with additional capacity; and
- Numerous complaints to the Council regarding dust, during the construction phase and no action has been taken; Mud deposits on the road.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2018)

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

- Paragraphs 7, 8, 9, 10, (Achieving sustainable development)
- Paragraphs 11, 12 (The Presumption in Favour of Sustainable Development)
- Paragraphs 55, 56 (Planning conditions and obligations)
- Paragraphs 108, 109 (Promoting sustainable transport)
- Paragraphs 127, 130 (Achieving well-designed places)
- Paragraph 117 (Making effective use of land)
- Paragraph 79 (Delivering a sufficient supply of homes)
- Paragraphs 178, 179 (Ground conditions and pollution)
- Paragraphs 189, 190, 192, 193, 196 (Conserving and enhancing the historic environment)
- Paragraph 142 (Protecting Green Belt Land)
- Paragraphs 155, 157, 163 (Planning and Flood Risk)

Adopted North West Leicestershire Local Plan (2017)

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

- S3 - Countryside
- D1 - Design of New Development
- D2 - Amenity
- H6 - House Types and Mix
- 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
HE1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
CC2 - Water - Flood Risk
CC3 - Water - Sustainable Drainage Systems

Other Policies/Guidance

National Planning Practice Guidance
Leicestershire Highways Design Guide
Good Design for North West Leicestershire SPD - April 2017
The Habitats Regulations (The Conservation of Habitats and Species Regulations 2017)
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System
River Mease Water Quality Management Plan - August 2011
River Mease Development Contributions Scheme - November 2012
The Planning (Listed Buildings and Conservation Area) Act 1990

5. Assessment

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2017).

Policy S2 defines Blackfordby as a 'Sustainable Village' which is supportive of a limited amount of growth, within the defined Limits to Development. The site is located outside Limits to Development, as defined by the adopted Local Plan and therefore falls to be considered against Policy S3 of the Local Plan.

It is, however considered that the principle of residential development on the site for residential purposes has already been established by the grant of the outline planning permission reference: 15/00083/OUTM, under appeal reference APP/G2435/W/15/3137258, on the 7th December 2016. Accordingly, dwellings could have been built on this part of the site, under the current application.

Density, Siting, Design and Impact upon Character

Ashby Town Council object to the application on the grounds that the scheme represents and over intensive development of the site.

Paragraph 117 of the NPPF stated that planning policies and decision should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The scheme for the additional 25 dwellings, falls within the 'red edge boundary' of the original application for 81 dwellings ref: 15/00083/OUTM.

This application, in conjunction with the recent reserved matters submissions, would result in a development totaling 106 dwellings (made up of 81 dwellings under the originally approved outline, combined with this application of 25 dwellings). For the reasons discussed below, it is considered that the scheme represents an efficient use of land, and does not result in

overdevelopment.

The adopted Local Plan does not include a policy on density. The inclusion of additional dwellings into the overall site area would clearly increase the overall density, which therefore needs to be considered against Policy D1 - Design of New Development and the Council's SPD on Good Design.

The scheme proposes an additional 25 dwellings to the west of the site and the dwellings have been designed to be inherently linked and laid out with, and adjacent to the second phase of the reserved matters (ref: 18/01975/REMM) for the final 10 dwellings, approved under the outline permission.

The dwellings would be viewed in conjunction with and against the backdrop of consented residential development, which is currently under construction ref: 17/01556/REMM and potential future development, still under consideration by the Authority ref: 18/01975/REMM. The additional 25 dwellings would assimilate into the surrounding development and would not encroach any further into the countryside, beyond the consented boundaries of the wider application site.

In terms of layout, minor amendments are being sought to reduce the extent of car parking dominance and amended plans are awaited. The applicant has confirmed that they are willing to make the amendments.

With regards to the appearance and scale of the dwellings themselves it is considered that they would be traditional in appearance and would include design features which the Local Authority would consider desirable when seeking to establish such a design approach (i.e. cills and lintels, chimneys, timber canopies and porches and brick detailing). The position and orientation of the dwellings would also ensure that they address the streetscape and private rear amenity areas would also be of a size which would be commensurate with the footprint of the properties.

The proportions, design and materials for the wider site, has already been considered to be acceptable. The design, scale and materials of these dwellings would be akin to that of the dwellings which they adjoin.

The National Forest have confirmed that the original application provided in-excess of the planting and landscaping requirement for 81 dwellings, and whilst these proposals are of a scale to require National Forest planting, they form part of the wider site which has incorporated the necessary planting for all 106 dwellings, combined. Therefore there is no requirement, or request for further planting and landscaping, resultant of this application.

In summary, the additional 25 dwellings are not considered to be to the detriment of the design of the consented scheme, nor does the scheme result in an unacceptable impact upon character and appearance of the area, and can continue to provide the necessary landscaping and planting, for the site, as a whole. The development is located within the existing consented boundaries, with the dwellings providing sufficient parking provision, private amenity space and National Forest landscaping. Accordingly, it is not considered that the scheme results in an over intensive development of the site. Overall, subject to the submission of amendments to the layout, it is considered that the layout, appearance and scale would be acceptable and would ensure compliance with Policy D1 of the adopted Local Plan, the Council's SPD on Good Design and the NPPF.

Impact upon Heritage Assets

The proposed development must be considered against sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that when considering a planning application for development that affects a listed building or its setting the decision maker, "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possess" and that "special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area", respectively.

Paragraph 192 of the NPPF 2018 states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It further indicates (at paragraph 193) that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

It is a statutory requirement that any new development should at least preserve the character of the Conservation Area and significant weight has been given to preserving the setting of the Listed Buildings.

The Blackfordby Conservation Area lies approximately 90m to the east/north-east of the site at its closest point. The site does provide a rural setting for the village but is well separated from the Conservation Area by intervening residential development/agricultural land. The site would be visible within views of the Blackfordby Conservation Area, and some glimpses of the site would also be available within views from the edge of the Conservation Area through gaps in landscaping. When having regard to the distances involved, the relationship between the site and the Conservation Area and the intervening land uses/development, it is not considered that the development of the site for housing would adversely affect the setting of the Blackfordby Conservation Area.

Butt Cottage (Grade II) lies 60m to the south west of the site and is separated from the site by modern development. Although the site may be visible within views of Butt Cottage, when having regard to the distance involved and the intervening development, it is not considered that the proposed would result in any significant adverse impact on the setting of Butt Cottage. Norrishill Farmhouse and Boothorpe Farmhouse and barn and Boothorpe Farm Cottage, all Grade II Listed Buildings are located some distance from the site and it is not considered that the site forms part of the setting of these heritage assets and therefore, would be unlikely to be adversely affected by the proposed development.

Paragraph 196 of the NPPF requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal.

The less than substantial harm to the heritage assets is in this case considered on balance to be outweighed by the provision of affordable dwellings and overall additional dwellings, to maintain a five year supply of housing. The scheme is considered to be in accordance with the NPPF.

Access and Highway Safety

There is no change to the vehicular access and therefore consideration of this matter remains as per the previous application ref: 15/00083/OUTM.

The County Highways Authority has been consulted on the application and have confirmed that they raise no objections (subject to conditions) to the proposed development in respect of highway safety implications.

Each dwelling has a minimum of two car parking spaces and the level of car parking provision is commensurate to the number of bedrooms, in the respective dwellings, to accord with the car parking standards.

In these circumstances, subject to conditions and S106 contributions, which the applicant has agreed to, it is considered that the highway safety aspects of the scheme are considered acceptable. The proposal is considered acceptable in relation adopted IF4 and IF7 of the adopted Local Plan.

Public Footpaths

The diversion of Public Footpath P11 is currently being considered by the Council's Footpaths Team and the proposed diverted route, remains as per that proposed under application ref: 17/01556/REMM.

The County Council Footpaths Officer has been consulted on the application and has raised no objections to the proposed diversion subject to the imposition of conditions on any permission granted to secure a footpath management plan, a signing and way marking scheme and that the footpath route is of an appropriate width and surfacing material. Subject to the imposition of such conditions, it is considered that the diversion would not impact on users enjoyment of the right of way.

Impact upon Residential Amenity

Given the siting of the 25 dwellings to the west of the site, they would not result in any overshadowing, loss of light, overlooking or overbearing impacts upon the closest, existing neighbouring residents on Butt Lane and Fenton Avenue to the east.

The residential dwellings most immediately impacted upon as a result of the proposal would be those approved under Phase 1 ref: 17/01556/REMM and the 10 dwellings currently under consideration for Phase 2 ref: 18/01975/REMM. Overall the relationship between the dwellings is considered to be acceptable and windows serving bathrooms and en-suites at first floor level would be conditioned to be obscurely glazed.

Overall, the proposal is not considered to result in significant impacts upon existing or future surrounding residential amenity. Therefore, the proposed development is considered to be in accordance with Policy D2 of the adopted Local Plan and the Council's Good Design SPD.

Coal and Contamination

The site lies within the Coal Authority Referral Area and the scheme has been considered by the Coal Authority.

The Coal Authority confirm that previous intrusive ground investigations uncovered no evidence of underground coal mine workings within the application site boundary.

The Coal Authority conclude that they are satisfied that potential risks posed by coal mining legacy on proposed development within the application site boundary have been adequately considered and investigated by the applicant.

The Council's Environmental Protection Land Contamination Officer has recommended that conditions are imposed, requiring that the development is undertaken in accordance with a Remediation Strategy (dated May 2018) and prior to first occupation, a Verification Investigation shall be undertaken in line with the agreed Verification Plan.

The Environment Agency have confirmed that they have previously commented on the site investigation carried out by GRM (February 2018) which covers the wider site, which this current application, is part of. The site investigation was conducted to assess the presence of any potentially contaminative backfilling that has occurred on the site, as well as other areas of made ground identified at the site.

The EA have confirmed that:-

"Significant contamination was not identified within soil or groundwater samples during the GRM site investigation. Concentrations of hazardous contaminants were predominantly below limits of detection. The risks posed to controlled waters from concentrations of contaminants observed was quantitatively assessed against suitable screening values. Some slightly elevated concentrations were identified for non-hazardous substances and it is noted that these exceedances are within the same order of magnitude as acceptable screening values. As such we agreed with the conclusions of the above referenced report that this analysis has indicated the presence of limited concentrations of contamination which are unlikely to pose a significant risk to 'Controlled Waters' receptors."

The EA have confirmed that they have no objection or further comments to make on this application.

On the basis of the above, and subject to the imposition of relevant conditions, it is considered that the proposal would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 178, 179 and 180 of the NPPF.

Flood Risk and Drainage

The application has been accompanied by a Flood Risk Assessment and Drainage Strategy which has been considered by the Lead Local Flood Authority (LLFA).

The LLFA have requested evidence of the viability of the outfall from the site, further detailing in respect of the volume of the attenuation ponds and further information in relation to the long-term management and maintenance responsibility of the drainage infrastructure on site, ensuring the long-term viability of the drainage strategy.

Given that the original outline application was not refused on flooding grounds, and that the site is located within Flood Zone 1 being at low risk of fluvial flooding with minimal surface water modelled to accumulate to the site in the 1 in 100 and 1 in 30 critical storm events and the LLFA, are not objecting in principle, to the development, it is considered that the additional information can be submitted and re-consultation undertaken and the final response reported to Members via the update sheet.

At the present time, therefore, drainage aspects of the scheme have not been fully addressed, however, it would seem likely that these matters would be capable of being resolved satisfactorily, subject to the LLFA being satisfied.

Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river.

In this case it is considered that the proposal could result in an impact on the SAC, which may undermine its conservation objectives, as it would discharge foul drainage into the mains sewer system and change surface water runoff from the site. Therefore an appropriate assessment of the proposal and its impacts on the SAC is required.

The proposal would provide an additional 25 dwellings on the site resulting in additional foul drainage discharge from the site. Such additional foul drainage discharge would therefore adversely impact on the SAC as it would pass through the sewage treatment works and contribute to the raised phosphate levels in the river.

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and paragraph 177 of the NPPF. There is no capacity available under DCS1 and so DCS2 was adopted by the Council on 20 September 2016.

Conditions have been requested by Severn Trent and Natural England regarding surface water drainage. Natural England have stated that their preference is for a surface water to be discharged a Sustainable Urban Drainage Systems (SuDS), incorporating systems to clean the water. As the new dwellings would be sited on a permeable part of the site, a condition could ordinarily be imposed requiring surface water to discharge to a sustainable drainage system to reduce discharge to Severn Trent Water's treatment plant. It is considered that a single condition encompassing the comments from Severn Trent and Natural England, relating to surface water drainage be imposed.

Natural England have also requested a Construction Method Statement explaining the measures in place to protect the River Mease and its tributaries from any harmful discharges during construction.

The applicant has indicated they are willing to pay the required DCS contribution and the Council's solicitors have been instructed. Natural England has stated that the applicant proposes to share the same surface water drainage system with the associated housing development on the same site and advise that the Local Planning Authority should ensure that it is comfortable that the existing drainage system has sufficient capacity to ensure there will be

no impact on the River Mease SAC.

The flows from the new dwellings will need to be taken into account against the existing headroom at Packington Treatment Works, which serves Blackfordby. At the time of writing sufficient capacity exists for the 25 dwellings proposed. As such, it is considered that capacity is available at the relevant treatment works for the foul drainage from the site.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitat Regulations 2017, Policies EN1 and EN2 of the adopted Local Plan and the NPPF.

Ecology and Archaeology

The County Council Ecologist has confirmed that she has no objections and has requested that the conditions need to reference the Ecological Mitigation Scheme prepared for the outline and the Landscape and Ecological Management Plan, prepared for Phase 1. Accordingly, subject to an appropriately worded conditions, the County Ecologist has no objections to the proposed development.

The wider site has already been subject to site investigations works, the findings of which have been considered by the County Archaeologist, who raised no objection.

The scheme is therefore considered to be in accordance with Policies En1 and HE1 of the adopted Local Plan, the NPPF and Circular 06/05.

Developer Contributions

Paragraph 56 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.

Affordable Housing

The Council's Strategic Housing Team have been consulted on the application and have advised that there is a need for affordable housing and that the full 30% should be secured through the proposed development, in accordance with Policy H4 of the adopted Local Plan.

The Council's Strategic Housing Team would therefore seek to secure 15% on-site and 15% as an off-site contribution, with the actual contribution in terms of unit types to be agreed by the District Council.

The on-site provision is as follows:-

- Plot 103 - 2 bed house
- Plot 104 - 2 bed house
- Plot 105 - 2 bed bungalow
- Plot 106 - 2 bed bungalow

The siting and property types proposed are acceptable to the Council's Strategic Housing Team.

With regard to the Building for Life criteria "Meeting local housing requirements" the Council's Strategic Housing Team have confirmed that the affordable housing proposed on this development fully meets the requirement to provide a mix of housing types and tenures that suit local requirements.

River Mease DCS

A contribution under the River Mease DCS is required (as outlined earlier in the report). The River Mease contribution totals £11,933 based on 4 x 2 beds (£335 per dwelling); 15 x 3 beds (£453) and 6 x 4+ Bed (£633).

Other Developer Contributions

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

West Leicestershire Clinical Commissioning Group have requested £18,259.20 towards 'The Surgery' North Street, Ashby.

Leicestershire County Council (Libraries) request £760 towards additional resources at Ashby de-la Zouch Library.

Leicestershire County Council (Education) request a contribution of £109,440 for the primary school sector, for Blackfordby St Margaret's C of E Primary School, and a contribution of £44,690.43 for the high school sector, for Ivanhoe College. In respect of the primary school sector, Leicestershire County Council (Education) have confirmed that the request is made towards Blackfordby St Margaret's C of E Primary School, but that they would require some flexibility, to also considered Moira Primary School, which is within a two mile walking distance of the development.

Leicestershire County Council (Highways) request:-

- o Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack);
- o Six-month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car;
- o New southbound bus stop northeast of the site access, including raised kerb provision at a cost of £3,500 to support modern bus fleets with low floor capabilities, pole and flag at a cost of £170 and information display case at a cost of £120; and
- o Raised kerb provision at the nearest northbound bus stop at a cost of £3,500 to support modern bus fleets with low floor capabilities.

No request has been received from the National Forest (as none is required given the wider provision) and Leicestershire County Council (Civic Amenity) have confirmed that they are not requesting a contribution.

On consideration of these requests received in respect of this application it is considered that the following meet the tests and should Members be minded to approved this application a Section 106 Agreement would secure the following:-

- o Affordable Housing 8 units (15% on-site and 15% as an off-site contribution);
- o Education (£154,130.43);
- o Libraries (£760);
- o River Mease (£11,933);
- o Health (£18,259.20); and
- o Transport (Travel Packs, 6 month Bus Passes, Bus Stop Improvements, Raised Kerbs).
- o Construction Traffic Routing Scheme

Conclusion

In conclusion, although the site lies outside Limits to Development, the principle of residential development on the wider site has already been established. Subject to minor amendments and additional information, is not considered to give rise to any significant impacts upon visual amenity and the character of the area and drainage and flood risk. Subject to the imposition of conditions the scheme does not give rise to any significant material impacts upon the occupiers of existing or future neighbouring dwellings, highway safety, public footpaths, ecology, contamination, is considered to result in less than substantial harm to heritage impacts, which is outweighed by public benefits and would not be likely to have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

A legal agreement is currently under negotiation and subject to the acceptability of this, it is recommended that planning permission be granted, subject to the imposition of planning conditions.

RECOMMENDATION - Subject to no material concerns being raised by the Lead Local Flood Authority, permit, subject to a legal agreement and the following conditions:-

1. Time
2. In accordance with Plans
3. Materials
4. Finished Floor and Ground Levels
5. Boundary Treatments
6. Hard and Soft Landscaping
7. Obscure Glazing
8. External Lighting
9. Surface Water Discharge by Sustainable Means
10. Construction Method Statement
11. Foul Drainage Discharge
12. Land Contamination
13. Access in accordance with the submitted plans
14. Vehicular and Pedestrian Visibility Splays
15. Parking and Turning

16. Construction Traffic Management Plan
17. Public Right(s) of Way
18. Development in accordance with Ecological Mitigation Scheme and Landscape and Ecological Management Plan

Plus any other conditions as may be required by the Lead Local Flood Authority

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Erection of 9 dwellings including associated access and parking arrangements (Outline - means of access and layout for approval)

115 Station Road Hugglescote Coalville Leicestershire LE67 2GB

Report Item No
A2

Application Reference
18/01599/OUTM

Grid Reference (E) 442515
Grid Reference (N) 312632

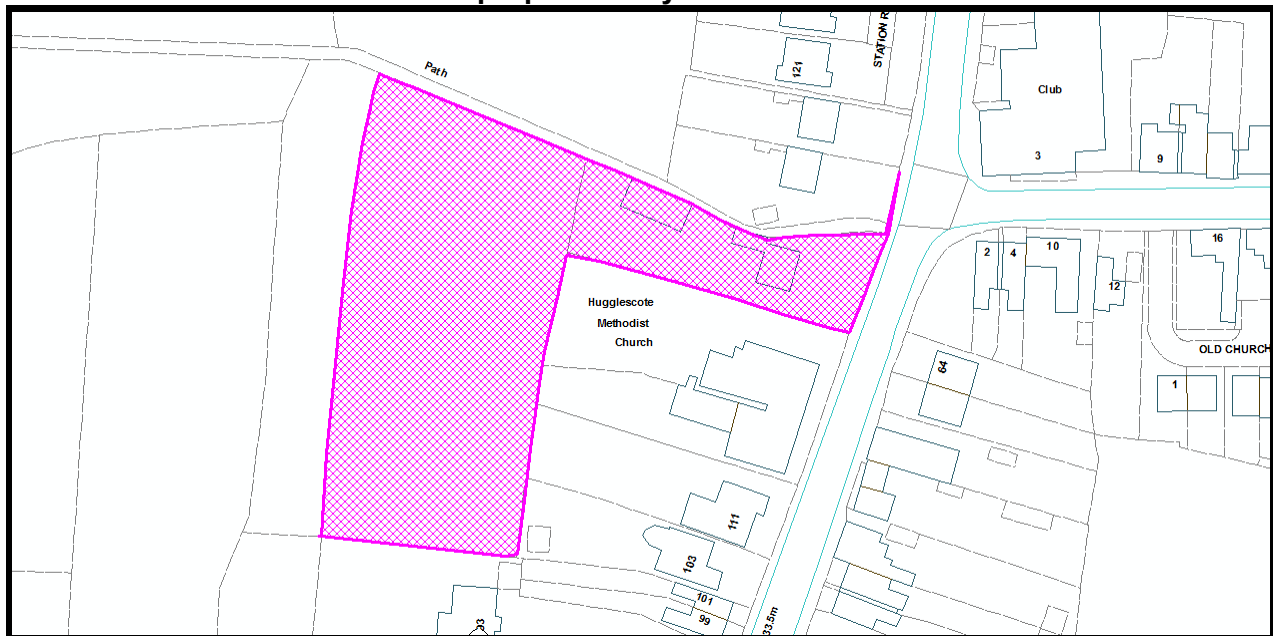
Date Registered:
31 August 2018
Consultation Expiry:
19 October 2018
8 Week Date:
30 November 2018
Extension of Time:
None Agreed

Applicant:
Lychgate Lychgate Homes Limited

Case Officer:
Adam Mellor

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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1. Proposals and Background

EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is called in to the Planning Committee by Councillor Johnson on the basis of highway safety, that the access and egress is not suitable, that no affordable housing would be provided and that the proposal is an overdevelopment of the site.

Proposal

This is an outline application, with means of access and layout for approval, and relates to the erection of 9 dwellings with associated access and parking arrangements at 115 Station Road, Hugglescote.

Consultations

Objections have been received from third parties as well as Hugglescote and Donington Le Heath Parish Council. No objections have been received from the majority of statutory consultees who have responded during the consultation process, with the exception of the County Council Ecologist, with the Council's Conservation Officer raising concerns in relation to the repositioning of the front boundary wall to no. 117 Station Road and a revised response from the Lead Local Flood Authority awaited.

Planning Policy

The application site is within the Limits to Development in the adopted North West Leicestershire Local Plan.

Conclusion

As the site is within the Limits to Development the principle of the development is acceptable. The key issues are:

- Design and impact on the character and appearance of the streetscape;
- Impact on heritage assets;
- Residential amenity;
- Highway safety;
- Landscaping;
- Ecology; and
- Drainage and flood risk.

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies, including the adopted Good Design for North West Leicestershire SPD, and the NPPF (2018).

RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS AND NO OBJECTION BEING RAISED BY THE LEAD LOCAL FLOOD AUTHORITY (LLFA).

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.

1. Proposals and Background

Outline planning permission is sought for the erection of 9 dwellings with means of access and layout for approval at this stage at 115 Station Road, Hugglescote. No. 115 Station Road is a two-storey detached dwelling situated on the western side of Station Road and is within the Limits to Development. It is intended that the proposed dwellings would be provided on land which forms part of the residential garden to 115 Station Road with the surrounding area comprising residential development along Station Road and open countryside/woodland to the west. The application site is also within the Hugglescote Conservation Area which was designated in October 2017.

Originally the application proposed the erection of 10 dwellings but following concerns being raised by the Case Officer, following the receipt of consultation responses, the number of dwellings has been reduced to 9.

It is proposed that no. 115 Station Road would be retained as part of the development proposals with the vehicular access off Station Road being upgraded so as to ensure it can accommodate the vehicular movements associated with multiple dwellings. The dwellings themselves would be formed around a cul-de-sac with plots 1 and 2 set on the northern side of the access drive and plots 3 - 9 on the eastern side of the access drive. A mix of 2, 3 and 4 bed properties is proposed.

A planning statement (incorporating a design and access statement, heritage statement and Building for Life 12 (BfL 12) assessment), site access appraisal, tree survey and ecological appraisal (including protected species survey) have been submitted in support of the application.

The recent and relevant planning history of the site is as follows:

- 14/00968/OUT - Demolition of existing dwelling to allow for a residential development of up to 8 dwellings (outline - details of part access included) - Approved 16th July 2015.
- 18/00369/OUT - Demolition of existing dwelling to allow for residential development (outline - details of part access included) - Withdrawn - 6th July 2018.
- 18/01095/REM - Erection of dwellings to plots 7 and 8 (reserved matters to outline planning permission 14/00968/OUT) - Pending Consideration.

2. Publicity

25 Neighbours have been notified.

Site Notice displayed 12 September 2018.

Press Notice published Leicester Mercury 19 September 2018. Press Notice published Leicester Mercury 19 September 2018.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Hugglescote and Donington Le Heath Parish Council object to the application on the following grounds:

- The visibility at the site access would be restricted by the relocated access;
- The narrowing of the roadway adjacent to no. 115 Station Road would not allow larger

- vehicles to access the properties;
- The provision of the detached car port to the frontage of no. 115 Station Road would be incongruous to the streetscape;
- The demolition of historic walls and pillars should be avoided;
- An archaeological earthworks is set within the western part of the site so permitted development rights should be removed to prevent the erection of outbuildings or walls on this earthworks;
- The access will not allow for horse transporters to access the site should stables be provided in the future as suggested by the plans.

Leicestershire County Council - Archaeology no representation received at the time of this report any comments received will be reported to Members on the Committee update sheet.

Leicestershire County Council - Development Contributions does not require any financial contributions towards education, libraries or civic amenity to mitigate the impacts of the development.

Leicestershire County Council - Ecology has no objections in respect of the implications to protected species, subject to conditions, but would object to the loss of any of the veteran Ash trees.

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

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

Leicestershire County Council - Lead Local Flood Authority a revised consultation response is awaited so any revised comments will be reported to Members on the Committee update sheet.

Leicestershire Fire and Rescue Service have provided guidance on the access arrangements which would be required.

NHS Leicester has no objections and does not require a financial contribution to mitigate the impacts of the development.

NWLDC - Affordable Housing Enabler has no comments to make as the development is below the threshold where affordable housing would be required.

NWLDC - Conservation Officer objects to the provision of a detached car port to the frontage of no. 115 Station Road and raises concerns about the demolition and rebuilding of the front boundary wall to no. 117 Station Road.

NWLDC - Environmental Protection has no objections subject to conditions.

NWLDC - Environmental Protection (Contaminated Land) has no objections subject to conditions.

NWLDC - Tree Officer has no objections subject to conditions.

NWLDC - Waste Services have provided guidance on the bin collection requirements for the development.

Severn Trent Water has no objections subject to conditions.

Third Party Representations

Four letters of representations have been received objecting to the application with the comments raised summarised as follows:

- The demolition of the historical Station Road wall and architectural pillars to nos. 115 and 117 Station Road should be avoided as this is a breach of the conservation area setting of the development. The same would also apply to the outbuilding to the rear of no. 115.
- The proposed car port would alter the look of the property and would not be in keeping with conservation guidelines.
- The number of reported accidents in the supporting documentation does not accurately reflect the amount of accidents which have occurred.
- The gradient of the road and speeding of traffic has contributed to the accidents which have occurred with the volume of traffic associated with the development increasing the risks to highway safety.
- Queuing traffic on Station Road would hinder the ability for vehicles to enter and exit the site.
- The width of the highway would be insufficient for a fire engine to access the site.
- The amount of dwellings proposed would result in an overdevelopment of the site.
- The amount of dwellings being constructed is altering the character of the settlement and the significance of the conservation area.
- The plans are inaccurate in terms of the position of the gate entrance to no. 117 Station Road and does not show the pillar at the entrance to no. 119 Station Road.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2018)

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

Paragraphs 8 and 10 (Achieving sustainable development);
 Paragraphs 11 and 12 (Presumption in favour of sustainable development);
 Paragraph 34 (Development contributions);
 Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
 Paragraphs 54, 55, 56 and 57 (Planning conditions and obligations);
 Paragraphs 59, 60, 61, 62, 64, 68, 73, 74 and 76 (Delivering a sufficient supply of homes);
 Paragraph 98 (Promoting healthy and safe communities);
 Paragraphs 105, 108, 109 and 110 (Promoting sustainable transport);
 Paragraphs 117, 118, 122 and 123 (Making effective use of land);
 Paragraphs 126, 127 and 130 (Achieving well-designed places);
 Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change);
 Paragraph 175, 178, 179 and 180 (Conserving and enhancing the natural environment); and
 Paragraphs 192, 193, 194, 196 and 199 (Conserving and enhancing the historic environment).

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 - Future Housing and Economic Development Needs;
 Policy S2 - Settlement Hierarchy;

Policy D1 - Design of New Development;
 Policy D2 - Amenity;
 Policy H4 - Affordable Housing;
 Policy H6 - House Types and Mix;
 Policy IF1 - Development and Infrastructure;
 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 He1 - Conservation and Enhancement of North West Leicestershire Historic Environment;
 Policy Cc2 - Water - Flood Risk; and
 Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance.
 Good Design for North West Leicestershire Supplementary Planning Document - April 2017.
 Leicestershire Highways Design Guide (Leicestershire County Council).
 Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 72.
 Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

5. Assessment

Principle of Development and Sustainability

The site is located within the Limits to Development where the principle of residential development is considered acceptable subject to compliance with relevant policies of the adopted Local Plan and other material considerations. Within the NPPF (2018) there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

The principle of residential development on the site has been established by virtue of the outline approval granted under application reference 14/00968/OUT which remains extant given the submission of a reserved matters application under reference 18/01095/REM. Whilst one additional dwelling would be proposed as part of this application it is noted that Hugglescote forms part of the Coalville Urban Area, which is the primary settlement in the District and where the largest amount of new development will take place.

On the above basis the principle of the development would remain acceptable in accordance with Policy S2 of the adopted Local Plan and the core objectives of the NPPF.

Design and Impact on the Character and Appearance of the Streetscape and Wider Area

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1, as well as the Council's adopted Good Design for NWLDC SPD, but also Paragraphs 124 and 127 of the NPPF.

Station Road is characterised predominately by dwellings which are slightly set back from the highway although there are examples of properties which are set a greater distance from the highway including nos. 77 and 93 Station Road.

It is noted that scale, appearance and landscaping are all included as matters to be considered at a later stage although the layout is for approval at this stage. In the consideration of application reference 14/00968/OUT it was determined that the provision of the residential development, to the rear of properties on Station Road, would not result in sufficient harm to the character of the streetscape and wider area as to justify a refusal of the application. Given this previous permission remains extant it is considered that it would be difficult to now conclude this application, which only proposes one additional dwelling, would not be appropriate. The layout as proposed would also ensure that the plots have private amenity areas which are greater than the footprint of the dwellings, in accordance with the Council's adopted Good Design SPD, with the overall size of the plots being consistent with those plots associated with detached, semi-detached and terraced properties within the immediate area. Overall the layout of the proposed development would ensure that it would successfully integrate into the environment in which it is set.

The appearance of the dwellings would be agreed at the reserved matters stage and it is considered that at this point an appropriate design could be achieved which would accord with the Council's adopted Good Design SPD.

The retention of no. 115 Station Road as part of the development would also be of benefit to the character and appearance of the streetscape given that it is a traditional built form of historic significance. Amendments made to the layout have also resulted in the removal of the car port from the frontage of no. 115 given that concern was raised that this element of the development would be detrimental to the character and appearance of the streetscape.

Overall the layout of the development is considered to be compliant with Policy D1 of the adopted Local Plan as well as the Council's adopted Good Design SPD and Paragraphs 124 and 127 of the NPPF.

Impact on the Historic Environment

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a conservation area or its setting to have special regard to the desirability of preserving the area, or its setting or any features of special architectural or historic interest that the area may possess. Such an approach is also supported by Paragraphs 192, 193, 194 and 196 of the NPPF.

In terms of heritage assets the application sites lies within and adjacent to the Hugglescote Conservation Area. Therefore the impact of the development on the fabric and setting of this heritage asset should be given special regard by the 1990 Act.

The Council's Conservation Officer has commented on the application and has raised concerns in relation to the repositioning of the front boundary wall at no. 117 Station Road as well as the provision of a car port to the frontage of no. 115 Station Road given that these would harm the significance of the heritage asset.

Whilst acknowledging the comments of the Council's Conservation Officer it is noted that at the time of the consideration of application reference 14/00968/OUT, which remains extant, Hugglescote did not have a designated Conservation Area and the permission granted in connection with that application resulted not only in the repositioning of the front boundary wall to no. 117 but also the demolition of no. 115 and its associated outbuilding.

In this circumstance it is considered that any harm caused to the significance of the heritage asset as a result of the repositioning of the front boundary wall to no. 117 would not warrant a refusal of the application given the heritage benefits associated with the retention of no. 115 as well as the public benefits of providing nine additional residential units within the Limits to Development in a sustainable settlement. On this basis compliance with Paragraph 196 of the NPPF is ensured. It is also the case that the Council's Conservation Officer has advised that the harm arising as a result of the repositioning of the front boundary wall to no. 117 could be mitigated by the replication of characteristic features of this wall (e.g. the corner pier) and the imposition of a suitable condition on any consent granted could ensure that an elevation detail of the repositioned wall is submitted for approval.

The car port initially proposed to the frontage of no. 115 Station Road to which the Council's Conservation Officer objected has now been omitted from the scheme.

Overall the proposed development would be acceptable and accords with Policy He1 of the adopted Local Plan, Paragraphs 192, 193, 194 and 196 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Accessibility

The County Highways Authority (CHA) has raised no objections subject to the imposition of conditions on any permission granted.

A new vehicular access into the site off Station Road would be created to serve the dwellings, as well as no. 115 Station Road, with this access having a width of 5 metres for the first 5 metres behind the highway boundary and a dropped kerb crossing of 9.2 metres. Such an access arrangement would accord with the Leicestershire Highways Design Guide (LHDG). Vehicular visibility splays of 2.4 metres by 43 metres in both directions as well as 1 metre by 1 metre pedestrian visibility splays would also be provided at the site access in accordance with the LHDG. Although the vehicular visibility splay in a northern direction would pass over third party land (associated with no. 117 Station Road) it is anticipated that a contract with the owner of no. 117 would be drawn up so as to secure the provision of this splay which would be the same arrangement as that agreed under the extant consent (14/00968/OUT).

Internally the access road would narrow to 3.5 metres in order to pass the southern (side) elevation of no. 115 Station Road and whilst this is not ideal the CHA are satisfied that the tracking information submitted within the site access appraisal demonstrates that two vehicles could pass clear of the highway, as such vehicles associated with the properties would not restrict the free and safe flow of traffic on Station Road. It is, however, a requirement of the CHA that a scheme of priority markings/signage is provided so as to ensure that vehicles entering the site are given priority over those exiting the site and a condition would be imposed to secure this scheme.

In terms of the comments relating to the access by emergency vehicles (in particular a fire engine) it is noted that The Building Regulations 2010 Fire Safety Approved Document B: Vol 1 - Dwellinghouses Section B5 (Access and facilities for the fire service) outlines that the minimum width of a road between kerbs would be required to be 3.7 metres. However, the Association of Chief Fire Officers have outlined within Manual for Streets that such a width is required for *"operating space at the scene of a fire and that to simply reach a fire the access route could be reduced to 2.75 metres"* (Paragraph 6.7.3 of Section 6.7 Emergency Vehicles on Page 75 of Manual for Streets). In this circumstance it is considered that the narrowing of the internal access road would not prevent emergency vehicles from serving the proposed dwellings particularly given that the width of the remainder of the internal access road would be sufficient

for operating at the scene of a fire.

Suitable manoeuvring facilities would also be provided so as to ensure that vehicles could exit the site in a forward direction.

Whilst recognising that concerns have been expressed by the Parish Council and from third parties in respect of highway safety, the implications to the wider highway network would be no greater than those previously considered acceptable in relation to the permission granted under application reference 14/00968/OUT which remains extant. On this basis, as well as taking into account the CHA has no objections, the proposal would accord with Policy IF4 of the adopted Local Plan as well as Paragraphs 108 and 109 of the NPPF.

In respect of off-street parking requirements the application forms suggest that the properties would be a mix of two, three and four bed properties. The Council's adopted Good Design SPD advises that a minimum of two off-street parking spaces would be required for dwellings with 1 - 3 bedrooms with a minimum of three off-street parking spaces for dwellings with 4+ bedrooms. The layout as submitted demonstrates that the required level of off-street parking could be accommodated on the site to serve the number of bedrooms proposed with the dimensions of the spaces also according with those stated within the LHDG. A condition would be imposed for a suitable level of off-street parking to be provided and on this basis the development would accord with Policy IF7 of the adopted Local Plan and Paragraph 105 of the NPPF.

Public footpath N74 is set to the north of the site and is separated from the application site by the boundary treatments which run along the northern boundary with the development itself not being positioned on the public footpath. On this basis the proposed development would have no impact on the safe usage of the public footpath and therefore it complies with Paragraph 98 of the NPPF.

Neighbours and Future Occupants Amenities

It is considered that the properties most immediately affected by the proposed development would be no. 115 Station Road, which is in the control of the applicants, as well as nos. 93, 103 and 111 Station Road.

The proposed layout is for approval at this stage and it is noted that the north-western (rear) elevations of nos. 103 and 111 Station Road would be set 24 and 31.5 metres, respectively, from the boundary of the application site with the northern (side) elevation of no. 93 set 6.5 metres from the shared boundary.

Amendments made to the layout have now resulted in seven of the dwellings being positioned on the eastern side of the proposed internal access road and as such they would have a 'back to back' relationship with nos. 103 and 111 Station Road and 'side to side' relationship with no. 93. Plots 7 to 9 would be set 'behind' nos. 103 and 111 Station Road and in terms of separation distances to what would become shared boundaries the minimum distance would be 8 metres (the eastern (rear) elevation of plot 9 with the boundary to no. 103). Taking into account the separation distances between the rear elevations of nos. 103 and 111 and the boundary of the application site (as referenced above) it is considered that the provision of plots 7 to 9 would not result in any adverse overbearing or overshadowing impacts.

In terms of the relationship with no. 93 Station Road it is proposed that the southern (side) elevation of plot 9 would be set 3 metres from the shared boundary with no. 93. When taking into account the orientation of plot 9 to no. 93, the overall extent of private amenity space associated with no. 93 and that no habitable room windows exist in the northern (side) elevation

of no. 93 it is considered that the proposed separation distance would be acceptable and would ensure that no adverse overbearing or overshadowing impacts would arise.

An assessment in respect of overlooking impacts to neighbouring properties would be undertaken once the scale and appearance of the dwellings was known at the reserved matters stage but, on the basis of the proposed layout, it is considered that the dwellings could be provided so as not to result in any adverse overlooking impacts to neighbouring properties.

In terms of the vehicular access and the extent of the internal access road it is proposed that this would be sited so that it would not be adjacent to any other residential property and consequently no significantly adverse noise or disturbance impacts would arise as a result of the movement of vehicles at the access or on the internal access road and the Council's Environmental Protection Team have raised no objections. In addition a degree of noise would be generated by the vehicular movements undertaken at the offices of M-EC (located in the former Hugglescote Methodist Church) whose car park is set closer to these properties.

Although the comments of the Council's Environmental Protection Team outline that conditions should be imposed relating to construction hours and that noise and dust should be adequately controlled it is considered that the construction of 9 dwellings would not be significantly different to the construction of 8 dwellings. In this context it is considered that the imposition of the suggested conditions would be unreasonable given that no such conditions were secured as part of the scheme permitted under application reference 14/00968/OUT which remains extant. It is, however, the case that a note to the applicant would be imposed on any permission granted to advise them of the best practices for construction works advised by the Council's Environmental Protection Team with it also being the case that any statutory nuisance arising from the construction of the development could be addressed separately under Environmental Protection legislation.

With regards to future amenities it is considered that the above separation distances and relationships with existing development would ensure that no adverse overbearing, overshadowing or overlooking impacts would arise. In any event any future occupant would be aware of the relationship with neighbouring built forms prior to their purchase.

Trees of a mature stature would be retained in close proximity to plot 2 and as such it is inevitable that shadowing implications would occur to this plot at a particular point of the day, mainly the later parts of the afternoon/early evening. It is considered that plot 2 and its associated amenity area are located in the most viable area, so as to lessen this impact, as well as the fact that the impact is limited to a particular part of the day. Subject to the position of habitable room windows within plot 2 being carefully considered at the reserved matters stage it is considered that the extent of shadowing would not be sufficiently detrimental as to warrant a refusal of the application. In any case any future occupants of plot 2 would be aware of this relationship prior to their purchase.

Overall the proposed layout of development would be considered compliant with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF.

Landscaping

In commenting on application reference 14/00968/OUT the Council's Tree Officer specified that seven Ash trees on the western boundary could be considered veteran trees but of these trees three had significant defects which would limit their contribution to the visual amenities of the wider area. It was also the case that the identified trees would be susceptible to branch or stem failure and would therefore pose an unacceptable risk to the proposed residential development.

The Council's Tree Officer also considered that three Larch trees should be retained near to the southern boundary of the site with the remaining Ash trees to the western boundary being retained with an appropriate tree management plan.

Layout was not submitted for approval as part of the consideration of application reference 14/00968/OUT but the indicative layout suggested that the dwellings would have rear gardens that would back onto the existing development along Station Road with the internal access road set close to the western boundary of the site.

As part of the consideration of this application the Council's Tree Officer has re-inspected the trees and considers that of the 43 trees on the site eight Silver Birch's, four Ash trees, a Field Maple and a Holly are worthy of retention. A group of Holly trees and a hedgerow comprising Hawthorn, Holly and Elder are also worthy of retention.

Concern was raised that the layout as initially submitted in connection with this application would lead to the dwellings having an incompatible relationship with the trees given their proximity to the canopy spread and root protection areas (RPAs) of the trees as well as the fact that the trees would be within private amenity areas.

Amendments made to the layout have resulted in the number of proposed dwellings being reduced as well as the repositioning of the dwellings so that the majority would be on the eastern side of the proposed internal access road, this ensures that the properties have a greater separation distance to the trees and ensures that trees do not dominate the private amenity areas. The plans also detail that any works within the root protection areas (RPAs) of the retained trees, which would be largely limited to the internal access road and a detached car port/garage to serve plots 8 and 9, would be constructed in a manner which would ensure the protection of the trees. A condition would be imposed for a site specific tree protection/management plan and construction method statement for works within the RPA's to be submitted as part of the reserved matters application when landscaping is agreed.

Whilst, in the main, dwellings would be positioned so as to not have trees within their rear amenity areas it is the case that mature trees would be set adjacent to the rear amenity area associated with plot 2. Although it is inevitable that the private amenity area associated with plot 2 would be in shade when the sun is positioned to its west it is the case that BS 5837: 2012 ('Trees in Relation to Design, Demolition and Construction - Recommendations') outlines that *"NOTE The presence of large specimen trees is increasingly being seen as advantageous since it contributes to climate change resilience, amongst other benefits;"* as well as *"NOTE 1 Shading can be desirable to reduce glare or excessive solar heating, or to provide for comfort during hot weather. The combination of shading, wind speed/turbulence reduction and evapo-transpiration effects of trees can be utilised in conjunction with the design of buildings and spaces to provide local microclimate benefits."* Although such shading may occur it is considered that a dwelling could be provided on plot 2 subject to the position of habitable room windows in this plot being carefully considered at the reserved matters stage. Provided this matter is satisfactorily addressed at that stage there would not be unnecessary pressure placed on the trees for them to be removed albeit consent would not currently be required for their removal as they are not protected.

It is could also be ensured during the consideration of landscaping at the reserved matters stage that an appropriate scheme is provided to encourage more appropriate tree species to be planted, to replace those not deemed worthy of retention, particularly given that the site is set within the National Forest.

The details of any hard landscaping to be provided on the site would also be agreed under any subsequent reserved matters application associated with landscaping.

Overall the proposed development is considered to be compliant with the aims of Policies D1 and En3 of the adopted Local Plan.

Ecology

In terms of protected species the County Council Ecologist has commented that the submitted survey is satisfactory and which has concluded that there is no evidence of bats within no. 115 Station Road or the outbuilding which would be demolished. The closure of a satellite badger sett would also be acceptable subject to an appropriate licence being granted by Natural England. The above recommendations are subject to the imposition of conditions that would require the submission of an updated bat survey if the outbuilding is not demolished before April 2019 (the start of the bat season) along with annual surveys starting from when the satellite sett is closed until the construction of the development to ensure that badgers are not put at risk. The mitigation plan within the ecology survey should also be followed. Given that such conditions could be imposed on any permission granted the proposed development would not result in any adverse impacts to protected species.

The County Council Ecologist has also commented that Ash trees to the western boundary are veteran trees which were designated as a Local Wildlife Site in 2014 and as such should be retained as part of the development. Whilst acknowledging this comment it is noted that as part of the consideration of application reference 14/00968/OUT some of the Ash trees would be removed, which the County Council Ecologist objected to at the time, but that a refusal against Paragraph 118 of the NPPF (now Paragraph 175 of the revised NPPF (2018)) could not be substantiated due to the sustainability benefits of the development outweighing the loss of the veteran trees, it being the case that other veteran trees could be retained.

Although landscaping is a reserved matter the amended layout identifies that Ash trees would be removed, in line with the recommendations of the Council's Tree Officer, which would correlate with the Ash trees proposed to be removed in connection with any reserved matters submission progressed in line with the extant outline permission (14/00968/OUT).

The terms of criterion (c) of Paragraph 175 of the NPPF differ to those formerly associated with Paragraph 118 in that there now needs to be 'wholly exceptional reasons' to lose veteran trees, however, it is also necessary to consider whether consent is required to fell the trees and whether the trees warrant protection by the serving of a Tree Preservation Orders (TPO). Given the advice of the Council's Tree Officer outlined in the 'Landscaping' section of this report above only four of the Ash trees warrant retention with it being the case that the health and condition of the trees proposed to be removed has deteriorated since the consideration of application reference 14/00968/OUT. On this basis the trees to be removed do not warrant a TPO and without a TPO there is no control from a planning perspective regarding the retention of these trees. Whilst, therefore, there is conflict with criterion (c) of Paragraph 175 of the NPPF, as well as criterion (g) of Part (2) of Policy En1 of the adopted Local Plan, it is considered that a reason to refuse the application based on the loss of some of the veteran trees could not be justified given that they could be removed at any time.

On balance it is considered that the conflict with criterion (c) of Paragraph 175 of the NPPF, as well as criterion (g) of Part (2) of Policy En1 of the adopted Local Plan, would not substantiate a reason to refuse the application with the imposition of conditions ensuring compliance with the broad aims of Policy En1 of the adopted Local Plan, Paragraph 175 of the NPPF and Circular 06/05.

Drainage and Flood Risk

The site lies within Flood Zone 1 (which has the lowest risk of flooding) and is not within an area impacted by surface water flooding as defined on the Environment Agency's Surface Water Flood Maps.

As part of the consideration of the application the Lead Local Flood Authority (LLFA) have been consulted and the consultation response received outlined that a surface water drainage strategy and infiltration testing, should the drainage strategy rely on infiltration methods, would need to be submitted before the LLFA would be able to advise on whether the proposed surface water drainage solution, being a soakaway, would be acceptable. Information to address this matter is awaited and once it is received reconsultation with the LLFA will be undertaken.

Subject to the LLFA raising no objections and their suggested conditions being imposed on any permission granted it is considered that the proposal would comply with Policies Cc2 and Cc3 of the adopted Local Plan, as well as Paragraph 163 of the NPPF, and would ensure the development would not exacerbate any localised flooding impact.

Insofar as foul drainage is concerned, it is indicated that this would be discharged to the mains sewer and again a connection would need to be agreed with Severn Trent Water under separate legislation and who have raised no objections to the application. Given the above conclusion it is considered that the foul drainage can be met by the existing sewerage system in place. On this basis the proposed development would accord with Paragraph 180 of the NPPF.

Archaeology

The Council's Conservation Officer, as well as the Parish Council, have outlined that the western part of the site contains archaeological earthworks although the precise location of these earthworks is not specified. As part of the consideration of the application the County Council Archaeologist has been consulted but no representation has been received outlining that any archaeological mitigation would be required as part of any permission granted. It was advised by the Council's Conservation Officer that to protect the historic significance of the earthworks permitted development rights should be removed for outbuildings as well as boundary treatments but such comments were based on the original layout which proposed dwellings, and their associated gardens, within the western part of the site which is no longer the case with the revised layout. It is also noted that such a condition was not imposed on the extant outline permission (14/00968/OUT) and as such it would now be unreasonable to impose a condition removing permitted development rights given that the implications of the proposed development to the archaeological earthworks would be no more significant than that previously assessed to be acceptable. On this basis no conflict with Paragraph 199 of the NPPF would arise.

Other Matters

The Council's Environmental Protection (Contaminated Land) Officer has raised no objections to the application subject to the imposition of conditions for a risk based land contamination assessment to be submitted given the potential for made ground to be present on the site. It is considered that the imposition of such conditions are reasonable in the circumstances that the land is to be utilised for residential purposes and therefore necessary to ensure the health and safety of future occupants. On this basis the proposal would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 178 and 179 of the NPPF.

In terms of matters associated with refuse and recycling it is considered that the highway would

be unlikely to be adopted by the County Highways Authority, given the number of dwellings it serves, but it would be constructed to an adoptable standard given the width of the internal access road as well as the provision of suitable sized turning heads which would enable a waste vehicle to manoeuvre. In the circumstances that the road is not adopted then it would be necessary for the applicant to indemnify the District Council against any damage caused to a private highway by waste vehicles entering the site and the applicant has identified that they would be willing to comply with this request which would be secured via a Section 106 obligation. In terms of the precise details of the bin collection areas and bin storage points these would be secured via a condition imposed on any consent granted.

Given that the proposal now relates to the provision of nine dwellings it would fall below the level of development where financial contributions to mitigate the impacts of the development or affordable housing would be required. On this basis there is no requirement to assess the development against Policies H4, H6, IF1 or IF3 of the adopted Local Plan or Paragraph 64 of the NPPF.

Conclusion

The application site is located within the Limits to Development where the principle of this form of development would be acceptable with the development also being within a socially sustainable location and not impacting adversely on the environment even though a greenfield site would be built upon. It is also the case that the principle of the development is established by virtue of the extant permission. The layout and access, as submitted, would also not impact adversely on the character and appearance of the surrounding locality, residential amenity, highway safety, ecology or existing landscaping considered worthy of retention, nor would the proposal exacerbate any localised surface water flooding impact. There are no other material planning considerations that indicate outline planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the above mentioned policies.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to conditions and no objections being raised by the Lead Local Flood Authority;

1. **Timeframe for reserved matters.**
2. **Approval of reserved matters details.**
3. **Approved plans.**
4. **Finished ground and floor levels as part of reserved matters.**
5. **Construction traffic management plan.**
6. **Priority workings/signage scheme for narrowing of internal access road.**
7. **Provision of access.**
8. **Vehicular and pedestrian visibility splays.**
9. **Vehicle manoeuvring facilities.**
10. **Off-street parking.**
11. **Closure of existing access.**
12. **Land contamination.**
13. **Remediation/verification scheme.**
14. **Foul drainage.**
15. **Surface water drainage.**
16. **Updated bat survey.**
17. **Badger survey.**
18. **Compliance with ecological mitigation scheme.**

19. Tree and hedge management and protection plan.
20. Elevation detail of rebuilt front boundary wall to no. 117 Station Road.
21. Bin stores and bin collection points.

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Conversion and extension of existing building to one residential dwelling

**Report Item No
A3**

**33-35 High Street Packington Ashby De La Zouch
Leicestershire LE65 1WJ**

**Application Reference
18/02002/FUL**

**Grid Reference (E) 436151
Grid Reference (N) 314646**

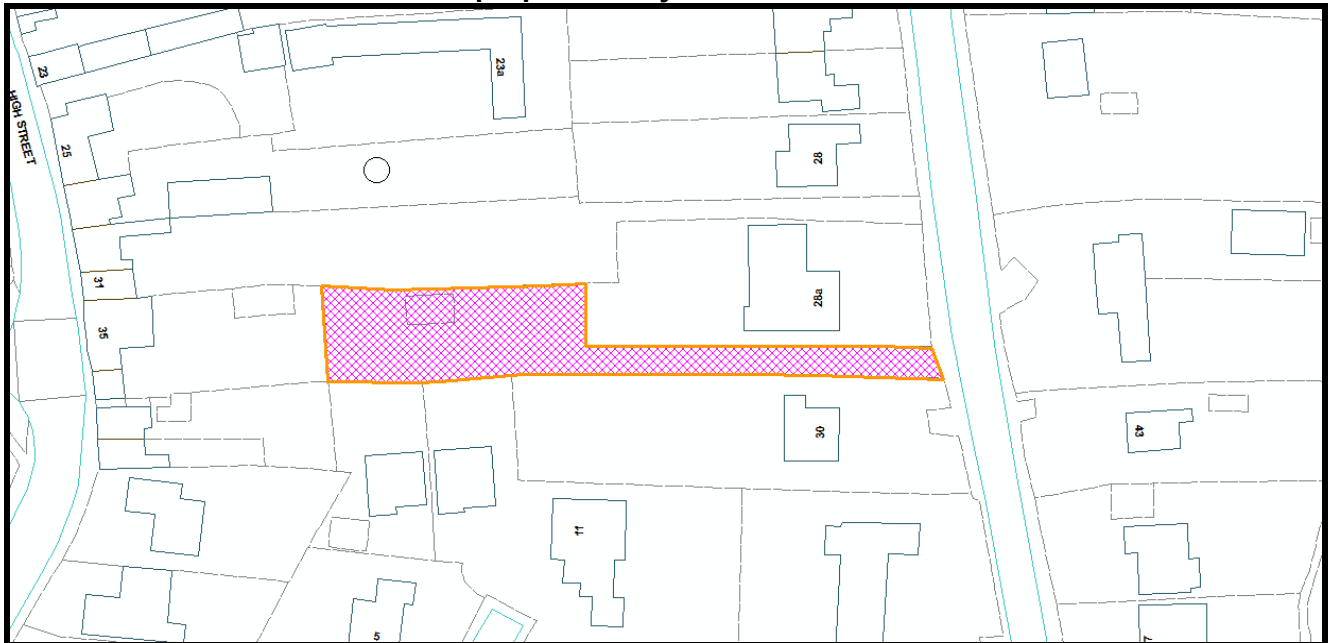
**Date Registered:
1 November 2018
Consultation Expiry:
21 December 2018
8 Week Date:
27 December 2018
Extension of Time:
9 January 2019**

**Applicant:
Mrs Elfie Marden**

**Case Officer:
Jenny Davies**

**Recommendation:
PERMIT subject to S106 Agreement**

Site Location - Plan for indicative purposes only



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1. Proposals and Background

Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee as the planning agent is a close relative of Councillor Blunt.

Proposal

Planning permission is sought for the conversion and extension of an existing building to one dwelling on land to the rear of No. 33-35 High Street, Packington. The site was previously part of the garden to No. 33-35. A single storey extension is proposed on the eastern side of the existing single storey building. The dwelling would be served by an existing access off Normanton Road.

Consultations

Members will see from the main report below that a total of seven letters of representation (three from the same property) have been received, all of which raise objections. Packington Parish Council raises objections in respect of highway safety, inappropriate development and design. The Council's Conservation Officer had concerns regarding the design of the extension, which have been addressed by amended plans. All other statutory consultees have raised no objections.

Planning Policy

The application site is located within the Limits to Development as defined in the adopted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

The key issues arising from the application details are:

- The principle of the erection of a dwelling on the site
- Impact on highway safety
- Impact on residential amenities
- Impact on the setting of a listed building and the Packington Conservation Area
- Impact on the River Mease SAC

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies, including the Good Design for North West Leicestershire SPD, and the NPPF.

RECOMMENDATION - THAT PLANNING PERMISSION BE GRANTED SUBJECT TO CONDITIONS AND THE SIGNING OF A SECTION 106 AGREEMENT

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised

that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the conversion and extension of an existing building to one residential dwelling on land to the rear of No. 33-35 High Street, Packington. The site lies to the east of existing dwellings on High Street, and to the west of existing dwellings on Normanton Road, and is adjoined by dwellings and gardens on all sides. The site is occupied by a single storey detached building currently used for domestic storage, along with trees and vegetation and an access track, and it appears that the site previously formed garden to No. 33-35. A separate garden area for No. 33-35 has been formed.

The building would be extended on its eastern side to form a single storey dwelling with one bedroom. Existing openings in the building would be utilised in its southern and western elevations, with windows proposed in the southern and eastern elevations of the extension. No openings are proposed in the building's northern elevation or any of its roofslopes. An existing access onto Normanton Road (which is located between Nos. 28A and 30 Normanton Road) would be utilised, serving a single track access drive that leads into the site. No. 33-35 High Street would retain a right of access along the access drive. Two parking spaces and turning space are proposed at the eastern end of the site. Amended plans have been received which show a reduction in the eaves and ridge height of the extension and changes to the door designs, following officer concerns in relation to harm to heritage assets. The precise dimensions of the proposal are available to view on the planning file.

The site lies within the Limits to Development as identified in the adopted North West Leicestershire Local Plan (2017). The site also lies within the catchment area of the River Mease Special Area of Conservation. The site lies within the Packington Conservation Area. No. 21 High Street, which is a Grade 2 listed building, lies around 70 metres to the north west. Nos. 23, 25 (and its outbuildings), 27, 29, and 31 High Street are considered to be unlisted buildings of interest and therefore are non-designated heritage assets.

Outline planning permission was refused in March 1996 (95/1155) for the extension and conversion of the building to residential use and erection of a garage, on seven grounds relating to lack of a direct road frontage resulting in undesirable backland development, lack of acceptable standards for future occupiers, noise and disturbance from use of the access drive, difficulty in finding the site, restricted width to the access drive resulting in service and emergency vehicles parking on Normanton Road, lack of pedestrian visibility splays and not enough space along the drive for two cars to pass each other.

2. Publicity

No neighbours notified.

Site Notice displayed 15 November 2018.

Press Notice published Leicester Mercury 21 November 2018.

3. Summary of Consultations and Representations Received

Statutory Consultees

Packington Parish Council objects on the following grounds:

- highway issues - the narrow vehicle access on to Normanton Road is not safe;
- this is an inappropriate development and the conversion of a building in a garden is considered unacceptable;
- the design of the extension is not subservient to the original building.

The Council's Conservation Officer had concerns regarding the design of the extension, which have been addressed by amended plans.

The Council's Tree Officer has no objections.

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

The County Ecologist has no objections.

The County Highway Authority refers to its Standing Advice and raises no objections.

The Council's Waste Services team advises that bins should be presented for collection at the public highway.

The County Archaeologist requests the imposition of conditions.

Third Party Representations

Seven letters of representation (three from the same property) have been received which object on the following grounds:

Material Considerations

- increase in traffic using narrow driveway and close to existing dwellings;
- poor visibility at junction of driveway with Normanton Road;
- No. 33-35 High Street has a right of access along the driveway;
- lack of on-street parking spaces on High Street;
- two parking spaces unusual for a one bedroom property;
- variation application likely to add a second bedroom;
- bins cannot be left out on High Street as no direct access, and would need to be left on Normanton Road;
- impact on the Conservation Area;
- noise and disturbance to nearby dwellings in particular from use of the driveway;
- proposed tree planting would obscure light to existing solar panels;
- existing conifers on southern boundary are so tall cannot easily be maintained;
- additional planting on southern boundary could therefore impact on nearby dwellings;
- landscaping scheme needs to ensure privacy for existing and proposed dwellings;
- concerns regarding the bat survey as bats have been observed in the adjacent garden;
- impacts on nearby garden pond have not been considered;
- previous applications to develop the site have been refused;
- extension to No. 30 Normanton Road not shown on the plans;
- incorrect information within application documents;

Non-Material Considerations

- fence panels need replacing;
- impact on property value and sale of nearby property;
- land accessed without permission to take photographs.

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

4. Relevant Planning Policy

National Planning Policy Framework - July 2018

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

application:

Paragraphs 8 and 10 (Achieving sustainable development)
Paragraph 11 (Presumption in favour of sustainable development)
Paragraphs 54, 55 and 56 (Decision-making)
Paragraphs 59, 68, 73, 74 and 78 (Delivering a sufficient supply of homes)
Paragraph 91 (Promoting healthy communities)
Paragraphs 102, 103, 107, 108, 109 and 110 (Promoting sustainable transport)
Paragraphs 117, 118 and 122 (Making effective use of land)
Paragraphs 124, 127, 128 and 130 (Achieving well-designed places)
Paragraphs 148, 150, 153, 155 and 163 (Meeting the challenge of climate change, flooding and coastal change)
Paragraphs 170, 175, 177 and 180 (Conserving and enhancing the natural environment)
Paragraphs 189, 190, 192, 193, 194, 195, 196, 197, 199, 200 and 201 (Conserving and enhancing the historic environment)

Adopted North West Leicestershire Local Plan (2017):

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

S1 - Future Housing and Economic Development Needs
S2 - Settlement Hierarchy
D1 - Design of New Development
D2 - Amenity
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
He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
Cc2 - Water - Flood Risk
Cc3 - Water - Sustainable Drainage Systems

Other Guidance

Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
The Community Infrastructure Levy Regulations 2010
The Conservation of Habitats and Species Regulations 2010
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)
National Planning Practice Guidance - March 2014
River Mease Water Quality Management Plan - August 2011
The River Mease Developer Contributions Scheme (DCS) - September 2016
Leicestershire Highways Design Guide (Leicestershire County Council)
Good Design for North West Leicestershire SPD - April 2017
Packington Conservation Area Study and Appraisal - 2001
National Forest Strategy 2014-2024

5. Assessment

Principle

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, comprises the adopted North West Leicestershire Local Plan (2017).

The application site lies within the defined Limits to Development within the Local Plan. Under Policy S2 in villages such as Packington a limited amount of growth will take place within the Limits to Development.

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Council is able to demonstrate a five year supply of housing (with 20% buffer) against the housing requirement contained in the Local Plan.

The site appears to have been part of the residential curtilage associated with No. 33-35 High Street. Garden land in built up areas is excluded from the definition of previously developed land set out in the NPPF and therefore effectively constitutes a greenfield site. The NPPF states that decisions should encourage the effective use of land by re-using land that has been previously developed and that Local Planning Authorities should consider the use of policies to resist inappropriate development of residential gardens. As the Council does not have a specific policy that prevents development on gardens, it is deemed that a reason for refusal on the basis of the loss of part of the residential garden could not be justified in this instance.

In terms of social sustainability Packington provides a range of day to day facilities, e.g. a primary school, shop, church, village hall, a public house, play area/recreation ground and some small-scale employment sites, along with a limited hourly public transport service. These services/facilities are within 800 metres to one km (preferred maximum walking distance) of the site. The centre of Ashby-de-la-Zouch is also located approximately 2.5km from the site, where a wider range of services can be found and is considered to be accessible on foot or by cycling. Therefore, it is considered that occupiers of the dwellings would not necessarily be dependent on the private car. Taking all of these matters into account it is considered that the site is socially sustainable in terms of access to services/facilities.

There would also be very limited economic benefits which would include local construction jobs and helping to maintain local services in the area.

In terms of environmental sustainability as set out in more detail below, the proposal would not result in any unacceptable impacts on the natural, built or historic environment.

In the overall balance, the proposal would comply with Policy S2 of the Local Plan, and the site's social sustainability credentials, lack of unacceptable impacts on the natural, built or historic environment and very limited economic benefits all weigh positively in the balance. It is therefore considered that the proposal represents a sustainable form of development.

Highway Safety

Concerns have been raised by the Parish Council and residents in respect of highway safety, in particular relating to an increase in use of the narrow access drive, and visibility at the junction of the drive with Normanton Road.

The 1995 outline application for conversion of the building was also refused on four grounds

relating to highway safety; difficulty in finding the site, restricted width to the access drive resulting in service and emergency vehicles parking on Normanton Road, lack of pedestrian visibility splays and not enough space along the drive for two cars to pass each other.

The access drive could be used by occupiers of No. 33-35 High Street, who have a right of access along the drive. The access drive is also single width along its whole length, so there is no space for vehicles to pass each other.

The County Highway Authority advises that good levels of visibility is available in both directions at the junction of the access drive with Normanton Road. The small amount of overhanging vegetation could be cut back as it overhangs the public highway. The Highway Authority also advises that whilst the access width is not in accordance with the Leicestershire Highways Design Guide (which requires a 4.25 metres width for drives serving two dwellings), on balance given the negligible trip generation from the proposal, it would not be able to sustain a reason for refusal.

The Highway Authority advises that the visibility splays and parking and turning space shown on the plans are in accordance with the standards set out in the Design Guide, which requires 43 metre visibility splays in a 30mph zone and two parking spaces for dwellings with up to three bedrooms. Conditions could be imposed to secure these matters, along with pedestrian visibility splays, surfacing of the access drive and drainage to prevent surface water discharge into the highway.

The Highway Authority has also reviewed recorded personal injury collisions from the most recent five year period, which revealed that there is evidence of one slight collision within 500 metres of the site access, which occurred in 2014 at the junction of Normanton Road and Heather Lane. On balance the Highway Authority does not therefore consider the proposal to constitute a severe impact under the NPPF.

It is therefore considered that the proposal would not result in an unacceptable impact on highway safety or a severe residual cumulative impact on the road network to justify a reason for refusal under adopted Policies IF4 and IF7 and paragraph 109 of the NPPF.

Residential Amenities

The proposal would result in an increase in traffic using the access drive and the site itself which adjoin Nos. 28A and 30 Normanton Road and rear gardens, as well as passing by the front of the proposed dwelling. The 1995 application was in part refused on the basis of noise from use of the driveway being detrimental to adjacent dwellings. However the situation would not be dissimilar to a development on a corner site with a side road running close to dwellings and rear gardens, which was considered in an appeal decision at Ashby de la Zouch to be a yardstick for an acceptable standard, and which already occurs in other parts of the village. It is not unusual to find dwellings and gardens adjoining other dwellings and gardens. As such it is considered that a reason for refusal on the basis of significant detriment to nearby residents from noise and disturbance from vehicles using the access drive under Local Plan Policies D1 and D2 could no longer be justified.

The existing building and proposed extension are single storey and the accommodation would be provided at ground floor level. Existing openings would be utilised in its southern and western elevations, with windows proposed in the southern and eastern elevations of the extension, all of which serve the ground floor. No openings are proposed in the building's northern elevation or any of its roof slopes.

The extension would be 40 metres from the rear of No. 28A and 20.5 metres from its rear garden, and 42 metres from the rear of No. 30 and 9.5 metres from its rear garden. The building and extension would be 7 metres from the rear gardens to Nos. 7 and 9 The Grange, 15 metres from No. 9's rear conservatory and 18.5 metres from their main rear elevations.

The building would also be at least 35 metres from the nearest windows to dwellings on High Street, and would be 12 metres from the remaining garden to No. 33-35 High Street. It is however noted that the building and extension would be within 0.5 metres of the rear garden to No. 29 High Street.

However given the above circumstances, that screening is provided by existing vegetation, No. 29's rear garden is large in size and that permitted development rights could be removed for extensions and alterations, including the installation of additional openings in particular at first floor and in the roofslopes, it is considered that the proposal would not adversely affect the amenities of occupiers of nearby dwellings from overlooking, loss of light or creation of an oppressive outlook, and as such would comply with the provisions of Local Plan Policies D1 and D2 and the Council's Good Design SPD.

The 1995 application was in part refused on the basis of the lack of acceptable standards for future occupiers of the dwelling. However that application was in outline so no details of any extensions or openings were included. The circumstances outlined in the previous paragraph would also apply to assessing impacts on the future occupiers of the dwelling. The rear first floor windows to Nos. 7 and 9 The Grange would be 18.5 metres away from the proposed dwelling, which is 1.5 metres less than the 20 metres distance required in the Good Design SPD between dwellings. The distance between these rear windows and the garden to the proposed dwelling would meet the 10 metre distance set out in the SPD. As such, given screening from existing vegetation, that the proposed dwelling would be single storey and that future occupiers would be aware of this relationship, it is considered that a reason for refusal on the basis of impacts on future occupiers of the dwelling from overlooking could not be justified in this case under Local Plan Policy D2.

Visual Impact

The need for good design in new residential development is outlined in adopted Policy D1, the Council's Good Design SPD and Paragraphs 124 and 127 of the NPPF. Adopted Policy En3 requires development in the National Forest to be appropriate to its Forest setting.

The reason for refusal on the 1995 application relating to lack of a direct road frontage and undesirable backland development could no longer be substantiated. The lack of a direct road frontage is not a matter that could now justify refusal of an application. There is no longer a policy in the Local Plan which resists backland development. The site and building are not prominent in views from nearby roads, and the proposal would not be significantly harmful to the character of the area, given that there are a number of outbuildings in nearby gardens, and backland development has taken place elsewhere in the locality, with planning permission granted in October 2013 (13/00536/FUL) for the demolition of existing buildings and erection of a new dwelling with associated garaging and parking to the rear of No. 25 High Street.

As such it is considered that the proposal would not be significantly harmful to the character and visual amenities of the streetscene and locality to justify a reason for refusal under Local Plan Policies D1 and En3, and the Council's Good Design SPD.

Historic Environment

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, or the character and appearance of a Conservation Area, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess and to the desirability of preserving or enhancing the character or appearance of that area. Reference should also be made to paragraphs 192, 193 and 194 of the NPPF.

In terms of heritage assets, the site lies within the Packington Conservation Area, and No. 21 High Street, which is a Grade 2 listed building, lies around 70 metres to the north west, which are both designated heritage assets. Nos. 23, 25 (and its outbuildings), 27, 29, and 31 High Street are considered to be unlisted buildings of interest and therefore are non-designated heritage assets.

Part of No. 21's significance is its age, dating from the 17th century, being one of the remaining thatched properties within the village, and the remains of timber framing and rubble stone within the building. The significance of this part of the Conservation Area comes from it forming the core of the village along High Street along which many medieval buildings and historic non-residential uses (blacksmiths, shops, Post Office, pub) were concentrated. Based on historic maps, the building appears to have been erected in the early 20th century, and it is understood was in the past used as an abattoir. Whilst the building is not listed in the Council's Conservation Area Study and Appraisal as an unlisted building of interest, it is considered to have some historic importance within the Conservation Area and the village, given its age, its former use which has relationship with the predominantly agricultural activities undertaken in the locality in the early to mid 20th century, and its form, design, materials and character, including a slaughter hoist wheel inside the building and a Yorkshire horizontal sliding sash window. The County Archaeologist advises that the building has archaeological interest and requests the imposition of conditions requiring building recording via a photographic survey.

Significant weight is given to preserving the setting of the Grade 2 listed building and Conservation Area. The building and site are well separated from No. 21 by existing buildings, gardens and vegetation, and would not be visible within views of No. 21. There does not appear to be any direct functional/historic relationship between the two. Therefore it is considered that the proposal would not harm the setting of the listed building.

The reasons for refusal on the 1995 application are not justified in respect of the current application, for the reasons set out earlier in this report. Also the balance for consideration in terms of impacts on heritage assets, as set out at paragraph 196 of the NPPF, is that harm to designated heritage assets is weighed against the public benefits of the proposal.

The Conservation Officer initially advised that harm resulting from the proposal was due to the extension not appearing subservient to the building and the doors having an unusual and non-traditional appearance. The Conservation Officer also requested specification of the boundary treatment between the site and the remaining garden to No. 33-35. Amended plans have been received which the Conservation Officer advises would avoid the harm identified in his initial comments. A 1.8 metre high close boarded timber fence, trellis and gates has been erected to the boundary between the two sites, which is proposed to be retained and similar close boarded fencing is located on the site's other boundaries. All of these treatments are permitted development if under two metres in height (which appears to be the case).

The trees within the site and on adjacent sites to the north and west are protected by virtue of being in the Conservation Area. The Council's Tree Officer has no objections to the loss of the holly tree and smaller fruit trees to the east of the building given the size and condition of these

trees, nor to any pruning works required to be undertaken to a holly tree that lies in the garden to No. 29 High Street. These trees are not considered to make a significant contribution to the character and appearance of the Conservation Area given their size and location. A larger damson tree to the east of the building is shown to be retained, and there are other trees within the site. Conditions could be imposed relating to tree protection during construction and replacement planting for the trees to be removed.

Whether or not the building is considered to be of any historic merit, it is difficult to see why its conversion and the development of the site would be harmful to the setting of the Conservation Area. The Conservation Officer advises that the amended design would not be harmful and has no objection to the subdivision of the curtilage to No. 33-35. The boundary treatments are permitted development. Backland development has taken place elsewhere in the locality. The building is not visible in views of the Conservation Area from Normanton Road or High Street, there are limited views of the site itself from Normanton Road, and although the access drive is visible, it would remain unchanged in terms of its width and design, with some additional hardsurfacing. The extent of driveway within the site, along with the parking and turning area, would not be prominent. There would be limited impacts on the setting of nearby unlisted buildings of interest on High Street given the scale and design of the existing building, the extension and the works to the site, the distance between the site and these buildings, and intervening screening provided by boundary treatments and vegetation. The loss of trees and works to a holly tree would not result in harm to the Conservation Area. Whilst the building is not in poor condition or structurally unsound, it does require some works to prevent further deterioration, which could be secured by its conversion. Therefore it is considered that the proposal would not result in harm to the Conservation Area, including the setting of nearby unlisted buildings of interest and the character and setting of the building and site, and a reason for refusal could not be justified on these grounds. As such the proposal would therefore comply with the NPPF and Local Plan Policy HE1.

Trees

Consideration of the impact on the trees on the site is set out above in the section of the report relating to the historic environment.

Concerns have been raised regarding the impact of any additional landscaping in terms of maintenance and on existing solar panels, in particular given the existing vegetation on the site. Given the level of existing trees and vegetation on and close to the site, it is considered that limited additional soft landscaping would be required, although a condition could be imposed in relation to this matter, including to secure replacement trees for the holly and fruit trees proposed to be removed.

Ecology

There are trees on and adjacent to the site, the site is adjoined by large gardens, a building would be converted and a pond is located in an adjacent garden. All of these are features that could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2017 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

The County Ecologist advises that the submitted survey found the building had features that could be used by roosting bats, but the building was fully inspected inside and no evidence was found of bat roosts. In addition the County Ecologist advises that the building is also unlikely to be suitable for bats. The County Ecologist also advises that there would not be a significant loss of bat foraging habitat. The County Ecologist also advises that she would expect there to

be some bat foraging and activity around gardens, as some species, e.g. Common Pipistrelle, are still relatively common and frequently recorded in villages, as well as roosting in old and modern dwellings. There are records of several bat roosts in the village. She advises that the trees and the building have been surveyed adequately and that bats seen in the vicinity of the site are likely to be roosting elsewhere in the village.

No evidence of badgers was found and nesting birds are protected during their breeding season under separate legislation. The County Ecologist also advises that the site is of limited ecological value.

Concerns have been raised regarding impacts on a nearby garden pond, which is not referred to in the ecology survey, and the County Ecologist has been asked to provide comments in respect of this matter, which will be reported on the Update Sheet.

On this basis it is considered that important habitats and protected species would not be adversely affected by the proposal and the proposal complies with the Habitats Regulations 2017 and Local Plan Policy EN1.

Flood Risk and Drainage

The site is within Flood Zone 1 and a small section of the driveway at its eastern end is within an area of low risk of surface water flooding. The Lead Local Flood Authority has advised that it does not wish to be consulted on minor applications in areas at low risk. Whilst additional hardsurfacing may be laid at the site entrance as required by the Highway Authority, there would not be a significant increase compared with the existing situation. As such the proposal is unlikely to result in a significant impact on flood risk or drainage and would comply with Policies CC2 and CC3 of the adopted Local Plan and Policy S4 of the Neighbourhood Plan.

River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river.

In this case it is considered that the proposal could result in an impact on the SAC, which may undermine its conservation objectives, as it would discharge foul drainage into the mains sewer system, and increase roofs and hardsurfacing within the site. Therefore an appropriate assessment of the proposal and its impacts on the SAC is required.

The building is currently in use for domestic storage and its conversion to one dwelling would increase the occupancy of the site, resulting in an increase in foul drainage discharge from the site. Additional foul drainage discharge from the site would therefore adversely impact on the SAC as it would pass through the sewage treatment works and contribute to the raised phosphate levels in the river.

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and paragraph 177 of the NPPF. There is no capacity available under DCS1 and so DCS2 was adopted by the Council on 20 September 2016.

The applicant has indicated they are willing to pay the required DCS contribution and the Council's solicitors have been instructed. The Environment Agency and Natural England have both issued Standing Advice relating to the River Mease SAC under which they do not need to

be consulted if the proposal connects to the mains sewer and the applicant is agreeable to payment of the DCS contribution.

As the extension would be sited on a permeable part of the site, and at least part of the driveway would need to be hardsurfaced, a condition could be imposed requiring surface water to discharge to soakaway or a sustainable drainage system.

The flows from the dwelling need to be taken into account against the existing headroom at Packington Treatment Works. At March 2016 capacity was available for 3368 dwellings but this is reduced by the number of dwellings that already have consent or are under construction at March 2016 (1444) and a further 628 which have subsequently been granted permission or have a resolution to permit in place, giving capacity for 1296 dwellings. As such it is considered that capacity is available at the relevant treatment works for the foul drainage from the site.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitat Regulations 2017, the NPPF and adopted Policies EN1 and EN2.

Other Matters

The dwelling would be located 69 metres from Normanton Road, and the Council's Waste Services team advises that its occupiers would be required to present their bins at the public highway, on Normanton Road, for collection. This would be a similar arrangement to Nos. 29 and 31 High Street, who have no way of getting their wheelie bins to High Street, so leave them out for collection on Normanton Road, using a driveway that is similar in length to that which would serve the proposed dwelling. No details of a bin storage area have been provided but there is space available adjacent to the drive where bins could be stored and moved for collection, which could be secured by condition. It is therefore considered that there is not any policy justification to warrant a refusal of permission on this ground.

An amended plan has been received which shows the extensions and outbuilding to No. 30 Normanton Road. In respect of the concerns raised regarding erroneous information in the application submission, the submitted information together with all of the information gathered when undertaking the site visit and assessing the application have allowed for the application to be fully and adequately assessed.

The application is considered as submitted and on its own merits. If a further application is submitted to amend the proposal and/or to increase the number of bedrooms then this would also be considered on its own merits.

In respect of matters raised in the letters of representation that have not been addressed above, impact on property values and the sale of existing properties and the condition of existing fence panels are not planning matters and cannot be taken into account in the determination of planning applications. It appears that a person working on one of the supporting documents submitted with the application accessed the driveway and garden to No. 29 High Street without consent. However this is a civil matter.

The agent has agreed in writing to the inclusion of two pre-commencement conditions relating to tree protection and archaeological recording.

Conclusion

The proposal is acceptable in principle. Reasons for refusal relating to impacts on highway safety, residential amenities and harm to heritage assets could not be justified in this case. The proposal would not adversely impact on the character and visual amenities of the area, trees, ecology, flood risk/drainage and the River Mease SAC/SSSI. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

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

- 1 - time limit
- 2 - approved plans
- 3 - ground levels
- 4 - external materials and details
- 5 - tree protection
- 6 - soft and hard landscaping and boundary treatments (including replacement trees)
- 7 - replacement landscaping
- 8 - external lighting
- 9 - visibility splays
- 10 - parking and turning space
- 11 - bin storage area
- 12 - access width, drainage and surfacing
- 13 - surface water drainage
- 14 - archaeology
- 14 - removal of permitted development rights