

Residential development for 14 Dwellings, retention of existing farmhouse, demolition of existing farm buildings, alterations to an existing vehicular access and closure of other existing vehicular access (Outline- Details of access and layout)

**Report Item No
A2**

The Farm Manor Road Donington Le Heath Coalville

**Application Reference
13/00671/OUTM**

**Applicant:
Mr Richard Merrall**

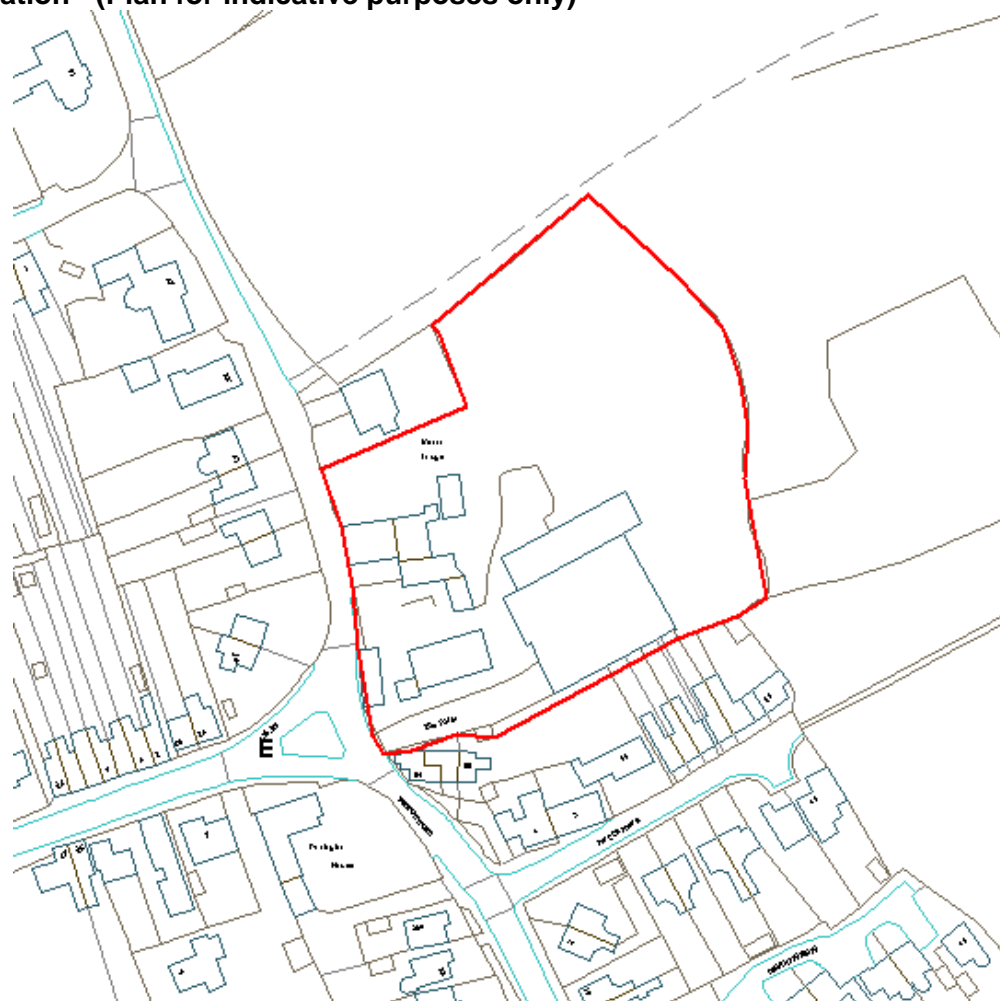
**Date Registered
2 December 2013**

**Case Officer:
Adam Mellor**

**Target Decision Date
3 March 2014**

**Recommendation:
PERMIT Subject to a Section 106 Agreement**

Site Location - (Plan for indicative purposes only)



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application has been brought to the Planning Committee in order to allow the Committee Members to assess the merits of a scheme which is considered to be a positive re-use of a site situated within a sensitive area of Donington Le Heath.

Proposal

This is an outline planning application, with details of the access and layout for approval at this stage, at The Farm, Manor Road, Donington Le Heath which lies within the Donington Le Heath Conservation Area. It is proposed that the existing farmhouse and adjacent outbuilding would be renovated and restored with 14 additional properties being provided which would be a mix of two-storey and single storey detached types with 2, 3, 4 and 5 bedrooms. Footpath links to the existing footpath network would also be provided.

Consultations

As a result of the consultation process one letter of support has been received with no objections raised. All statutory consultees have no objections to the development subject to appropriate conditions on any consent granted.

Planning Policy

It is considered that the development would accord with all relevant policies of the North West Leicestershire Local Plan, the general principles of the National Planning Policy Framework (NPPF) as well as Circular 06/05 and relevant supplementary planning guidance.

Conclusion

The site is situated within the defined limits to development where there would be a presumption in favour of development, with Donington Le Heath also being considered a sustainable settlement for new residential development given that it lies within the Greater Coalville Area. As such the proposal would accord with Paragraphs 14 and 49 of the NPPF as well as Policies S2 and H4/1 of the Local Plan. It is considered that the density of the scheme and the mix of housing on the site would be acceptable and would accord with Paragraph 50 of the NPPF and Policy H6 of the Local Plan. A sufficient level of financial contributions would be secured through a Section 106 Agreement to mitigate the impacts of the development on local infrastructure in accordance with the aims of Paragraphs 203 and 204 of the NPPF.

The layout of the scheme shown on the submitted plans would ensure that the amenities of both existing and future occupants would not be adversely impacted on in respect of overbearing, overshadowing or overlooking impacts and as such the development would accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan. It is considered that the site is of a sufficient size to accommodate 14 dwellings and the restoration of two buildings recognised as non-designated heritage assets would enhance the characteristics of the streetscape and surrounding area as well as the significance of the heritage asset. As such the development would accord with Paragraphs 57, 59, 60, 61, 64, 131, 135 and 137 of the NPPF and Policy E4 of the Local Plan.

The new access to be formed has been deemed acceptable by the County Highways Authority and each property would also benefit from appropriate access off the private road as well as sufficient off-street parking provision. As such the development would accord with Paragraphs 32 and 39 of the NPPF as well as Policies T3, T8 and T10 of the Local Plan. The provision of a footpath link to the existing network would also enhance the permeability of the site which would ensure compliance with Paragraph 75 of the NPPF.

Subject to appropriate conditions to mitigate against any impacts on protected species it is considered that the development would not conflict with Paragraph 118 of the NPPF or Circular 06/05. The majority of the vegetation on the site would be retained and additional planting would be secured under any subsequent reserved matters application which would ensure compliance with Policies E2, E7, F1, F2 and F3 of the Local Plan. A condition would be imposed to ensure that the details of drainage are agreed with the Local Planning Authority and this would ensure compliance with Paragraph 103 of the NPPF. The imposition of conditions will address any land contamination concerns associated with the development and as such the proposal will accord with Paragraphs 109, 120 and 121 of the NPPF.

Overall the development would accord with the planning policies identified above.

RECOMMENDATION - APPROVE SUBJECT TO SECTION 106 OBLIGATIONS AND THE IMPOSITION OF CONDITIONS;

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

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for residential development of 14 dwellings, retention of existing farmhouse, demolition of existing farmbuildings, alterations to an existing vehicular access and closure of other existing vehicular access, details of access and layout to be agreed, at The Farm, Manor Road, Donington Le Heath. The farmhouse is a detached two-storey dwelling situated on the eastern side of the street where it abuts the public highway and numerous agricultural buildings, of various constructions, are situated to the south of the dwelling. Vehicular access to the site is provided from an existing access off Manor Road and off-street parking and turning facilities are also provided within the curtilage of the site. The site is situated within the defined limits to development and the surrounding area is predominately residential with properties varying in their type and design. The site also lies within the Donington Le Heath Conservation Area.

It is proposed that the existing farmhouse and an adjacent outbuilding would be retained and enhanced as part of the development to provide a new dwelling and annex. All other agricultural buildings on the site would be demolished and the existing vehicular accesses would be closed. A new vehicular access, with appropriate visibility splays, would then be created off Manor Road with a private road then being provided to serve 14 new dwellings. The private road would run relatively parallel to the southern boundary of the site before sweeping northwards and the layout outlines that seven properties would be provided to the south, three to the west, three to the east and one to the north of the private road all of which would have accesses and off-street parking provision. It is indicated that four different house types would be created with 11 two-storey detached properties and three single storey detached properties. The majority of the properties would have their principal elevations fronting onto the private road apart from Plot 15 which would face onto Manor Road and footpath links to the existing public footpath network (public footpaths N72 and N74) would also be created.

A planning, design and access statement, statement of community involvement, ecological appraisal, supplementary bat survey and 3D visual proposals have been submitted in support of the application.

Following the receipt of the comments of the County Ecologist and County Highways Authority amended information and plans were requested to address the concerns raised and this amended information was received on the 16th and 27th January 2014. Reconsultation with the statutory consultees has been undertaken.

The planning history of the site is as follows: -

- 98/1064/P - Erection of two dwellings and access road (outline) - Refused 26th May 1999;
- 12/01018/FULM - Retrospective application for the change of use of agricultural buildings to storage and distribution of building supplies and equipment and dismantled car parts - Withdrawn 28th October 2013.

2. Publicity

46 Neighbours have been notified (Date of last notification 9 December 2013)

Site Notice displayed 19 December 2013

Press Notice published 18 December 2013

3. Consultations

Hugglescote & Donington Le Heath consulted 9 December 2013

County Highway Authority consulted

Head of Environmental Protection consulted 16 December 2013

LCC ecology consulted 28 January 2014

County Highway Authority consulted 10 December 2013

Environment Agency consulted 10 December 2013

Severn Trent Water Limited consulted 10 December 2013

Natural England consulted 10 December 2013

NWLDC Tree Officer consulted 10 December 2013

County Archaeologist consulted 10 December 2013

NWLDC Conservation Officer consulted 10 December 2013

LCC Development Contributions consulted 10 December 2013

Head Of Leisure And Culture consulted 10 December 2013

Manager Of Housing North West Leicestershire District Council consulted 10 December 2013

Police Architectural Liaison Officer consulted 10 December 2013

LCC/Footpaths consulted 10 December 2013

4. Summary of Representations Received

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

Environment Agency no representation received.

Hugglescote and Donington Le Heath Parish Council no representation received.

Leicestershire County Council - Archaeology no representation received.

Leicestershire County Council - Developer Contributions in relation to infrastructure matters, seek commuted sums towards library facilities of £870.00, to enhance the lending stock at Coalville Library, and civic amenity of £995.00, to assist with upgrades at the Coalville civic amenity site, with no contributions required for landscape or biodiversity enhancements. With regards to education a sum of £65,679.31 is requested for the primary school (£40,652.67), for upgrades to Hugglescote Community Primary School, and high school (£25,026.64), for upgrades to Newbridge High School, sectors with no requests for the upper school sector.

Leicestershire County Council - Ecology initially placed a holding objection on the application pending further bat emergence/re-entry surveys and Great Crested Newt surveys to national methodologies and standards (which mean that recommended numbers of survey visits are made, at appropriate times of the year). Following the receipt of additional information the County Ecologist has no objections subject to appropriate conditions to mitigate impacts on protected species.

Leicestershire County Council - Footpaths has stated the following: *"I am supportive of the provision of two links between the proposed private estate roads and footpaths N72 and N74. An Order is currently being processed by the County Council which, if successful, will have the effect of upgrading footpath N72 and the adjoining footpath N76 between Tweentown, Donington Le Heath and Hugglescote Community Primary School to the status of a bridleway/cycleway. It would, therefore, be more beneficial for the southern link to be*

constructed to the standard of a bridleway/cycleway, so that it may be formally dedicated as such in the event of footpaths N72 and N76 being successfully upgraded."

Leicestershire County Council - Highways has no objections, subject to conditions, and outlines that *"on the basis of the North West Leicestershire District Council refuse collection policy (normally occupants must present refuse at the site frontage to be collected from the boundary, from the nearest adopted highway), to minimise obstruction within the highway and at the site access, consideration should be given to the provision of a communal bin storage facility at the highway boundary, within the site."*

Natural England advises that consideration should be given to their standing advice on protected species.

NWLDC - Environmental Protection has no objections.

NWLDC - Land Contamination has no objections subject to the imposition of land contamination conditions due to the former agricultural use of the site.

NWLDC - Housing Manager has outlined that no affordable housing provision will be required as the threshold for new residential development is below the 15 unit trigger in the Greater Coalville Area.

NWLDC - Leisure and Culture Manager has requested a sum of £17,290.00 for the improvement of existing recreational facilities in the Hugglescote and Donington Le Heath Parish area.

NWLDC - Tree Officer no representation received.

Police Architectural Liaison Officer no representation received.

Severn Trent Water has no objections subject to a drainage condition to deal with foul and surface water discharge.

Third Party Representations

One letter of representation has been received from the occupant of No. 79 Manor Road who supports the application and states:

- *"The current state of the farm is an eyesore in our conservation village and the land and property could be put too much worse uses. This development would transform the site and be beneficial to the village. Please add planning conditions to ensure all site access is from The Green; as the northern end of Manor Road is unsuitable being narrow, with no pavements with a very dangerous corner. Please request wheel washing facilities and that all traffic associated with the development are parked on site as street side parking would be dangerous. Please add a condition limiting work to sensible times as the site is a residential area."*

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The

NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

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

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

Paragraph 17 indicates, amongst other things, that planning should proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs; always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

Paragraph 32 outlines that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- The opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- Safe and suitable access to the site can be achieved for all people; and
- Improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe;

Paragraph 39 indicates that if setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles;

Paragraph 47 outlines that to boost significantly the supply of housing, local planning authorities should, amongst other things, identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

Paragraph 49 outlines that housing applications should be considered in the context of the

presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites;

Paragraph 50 identifies that to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type and tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time;

Paragraph 57 outlines that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes;

Paragraph 59 indicates that local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally;

Paragraph 60 outlines that planning policies and decisions should not impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness;

Paragraph 61 outlines that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment;

Paragraph 64 outlines that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions;

Paragraph 73 indicates that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments

should be used to determine what open space, sports and recreational provision is required;

Paragraph 75 outlines that planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for use, for example by adding links to existing rights of way networks including National Trails;

Paragraph 103 indicates that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere;

Paragraph 109 outlines that the planning system should contribute and enhance the natural and local environment by, amongst other things:

- preventing both new and existing development from contributing to or being put at unaccepted risk from being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate;

Paragraph 118 outlines that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying particular principles;

Paragraph 120 outlines that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account;

Paragraph 121 outlines that planning policies and decisions should also ensure that, amongst other things:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;

Paragraph 131 outlines that in determining planning applications, local planning authorities should take account of, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

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

Paragraph 137 outlines that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably;

Paragraph 203 indicates that local planning authorities should consider whether otherwise

unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition;

Paragraph 204 outlines that planning obligations should only be sought where they meet all of the following tests:

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

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

North West Leicestershire Local Plan

Policy S2 of the Local Plan provides that development will be permitted on allocated sites and other land within the Limits to Development, identified on the Proposals Map, where it complies with the policies of the Local Plan;

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees;

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings;

Policy E4 seeks to achieve good design in new development and requires new development to respect the character of its surroundings;

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows;

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

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

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

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

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

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services;

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

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

Policy H8 sets out the criteria for the provision of an element of affordable housing as part of any development proposal;

Policy L21 indicates that new housing development will be required to incorporate the provision of a children's play area, except where the development is a discrete site of less than 10 dwellings; or all play space needs arising from the development can be adequately met by existing facilities within walking distance;

Policy L22 states that major new development, including that of allocated sites, will only be permitted where adequate provision is made for open space for formal recreation use;

Submission Version Core Strategy

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

Other Guidance

Donington Le Heath Conservation Area Character Appraisal and Management Plan - September 2010.

This document outlines the special character of Donington le Heath is derived from the survival of mediaeval and post-mediaeval agricultural 'village-scape' with a matrix of lanes, sunken and enclosed by walls and hedges, within which survive a mediaeval manor house and two of the other three original farmsteads.

6C's Design Guide (Highways, Transportation and Development) - Leicestershire County Council

Paragraphs 3.171-3.176 set out the County Council's guidance in relation to parking standards for residential development. This document also provides further info in relation to motor cycle/cycle parking, the design of on/off-street parking and other highway safety/design matters;

Leicestershire County Council Statement of Requirement for Developer Contributions in Leicestershire

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

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

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

District Council's Play Area Design Guidance Supplementary Planning Guidance

Sets out the requirements for on-site children's play provision and specifies that a rate of 20 square metres per dwelling;

Play Area Design Guidance Note

Policies L21 and L22 of the Local Plan are supplemented by the District Council's adopted Play Area a Design Guidance Note (July 2001). In relation to open space for formal recreation use the Guidance Note, which makes reference to the use of the NPFA standards (paragraph 4.5), notes inter alia that "if on site provision is not feasible a commuted sum towards upgrading of existing facilities in the locality will be sought" (paragraph 4.3) and that "formal recreation open space will generally be regarded as sports pitches (whether natural or artificial turf) and any associated changing facilities" (Paragraph 4.4);

Affordable Housing Supplementary Planning Document

The Council adopted a revised Affordable Housing Supplementary Planning Document (SPD) on 18th January 2011 and Key Principle 2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Coalville Urban area with Key Principle 3 requires a minimum of 20% of residential units to be available as affordable housing within the Coalville Urban area.

6. Assessment

Principle and Sustainability

The site is located within the limits to development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations. Policy H4/1 of the Local Plan aims to direct new housing development to sustainable locations and in doing so sets out a sequential approach to the release of housing land. Regard should also be paid to Paragraphs 14 and 49 of the NPPF.

Although the original use of the site was for agricultural purposes, which is excluded from the definition of previously developed land, the most recent activities on the site have been associated with the storage and distribution of building materials as well as dismantled car parts. In this respect it is considered that in reality the development would be on what has the appearance of brownfield land, particularly given the extent of hard surfacing on the site as well as the fact that existing buildings would be removed. The application site would therefore fall within criterion (c) allocated and other appropriate land within Coalville within Policy H4/1. The second section of Policy H4/1 goes on to outline a set of criteria relating to the sustainability of the location. It is considered that Donington Le Heath falls within the Greater Coalville Area which benefits from a range of public services and facilities that could contribute to reducing the reliance of future occupants of the dwellings on the private car. As such the development would not compromise the aims of Policy H4/1 of the Local Plan or the advice within the NPPF.

Density and Housing Mix

Policy H6 of the Local Plan seeks to permit housing development which is of a type and design to achieve as high a net density as possible taking into account factors such as housing mix, accessibility to centres and design. Policy H6 of the North West Leicestershire Local Plan also requires a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services and a minimum of 30 dwellings per hectare elsewhere.

With a site area of 0.73 hectares, the proposal would have a density of 19.18 dwellings per hectare. Although this density would fall well below that advised in Policy H6 this policy also

identifies that it is important to factor into any assessment the principles of good design as well as green space and landscaping requirements. It is noted that the site is situated within a conservation area and as such an 'over-development' of the site is unlikely to be supported given the adverse impacts it would have on the setting of the heritage asset. A large extent of the site is also retained for the farmhouse and outbuilding which are to be restored as well as the retention of landscaping to the eastern boundary of the site. In the circumstances that the existing farmhouse is considered to contribute positively to the streetscape its retention is essential and the setting of this building should also be respected by ensuring that development is not located within close proximity to it. Overall, therefore, the proposals would not substantially conflict with the principles of Policy H6 as to warrant a refusal of the planning permission.

In terms of the housing mix the indicative site plan outlines that a mix of 2, 3, 4 and 5 bedroom dwellings would be provided within single storey and two-storey detached properties which would represent an appropriate housing mix on the site and as such the proposals would comply with Paragraph 50 of the NPPF.

Viability of the Development

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

- Necessary to make the proposed development acceptable in planning terms;
- Directly related to the proposed development; and
- Fairly and reasonably related in scale and kind to the proposed development;

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

The relevant developer contributions are listed below: -

Affordable Housing

The Council's Affordable Housing Supplementary Planning Document states that in the Coalville Urban Area schemes for 15 or more dwellings should provide 20% of the proposed units as affordable housing (i.e. 3 units). The Council's Housing Manager has indicated in the circumstances that only 14 dwellings are proposed to be built there would be no requirement for any of the units to be affordable. As such the development would not conflict with Policy H8 of the Local Plan.

Play and Public Open Space

The site plan outlines that public open space on the development site would be fairly limited and would essentially consist of a small area to the south of Plot 2 with no children's play equipment being provided. Although no substantial areas of public open space or children's play equipment is provided on the site it is noted that the site lies adjacent to a large area of public open space and the footpath link created to access public footpath N72 would allow access onto this land as well as access to play facilities at a distance of 490.0 metres from the site. Given the provision of the footpath link and proximity of the site to open space and play facilities it is considered that the lack of 'on-site' provision would not cause significant conflict with the aims of Paragraph 73 of the NPPF or Policies L21 and L22 of the Local Plan. The Council's Play Area Design Guide indicates that if formal open space and play equipment cannot be provided on the site then a commuted sum may be requested in order to upgrade existing facilities in close proximity to the site.

A consultation response has been received from the Council's Leisure Service team who

consider that an off-site contribution of **£17,290.00** would be payable. The two nearest areas to the site are Millfield Recreation Ground, off Station Road, and Ashburton Road Recreation Ground which are both in the process of being transferred to the Parish Council so any future management would be carried out by the Parish. The Parish are exploring the possibility of providing a Multi Use Games Area (MUGA) at Ashburton Road, which would require an estimated budget of £50,000, and developments at Millfield could include the provision of a green gym area, additional climbing type play equipment with improvements to safer surfacing and access pathways which have an estimated budget of £25,000. The financial contribution is therefore sought to assist in making the necessary upgrades to the local play facilities. The applicant has agreed to meet the leisure financial contribution request.

Education

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

Primary School Requirements

The site falls within the catchment area of Hugglescote Community Primary School. The School has a number on roll of 423 and 650 pupils are projected on the roll should this development proceed; a deficit of 227 places (of which 223 are existing and 4 are created by this development). There are 3 other primary schools, one junior school and one infant school within a two mile walking distance of the development: Belvoirdale Primary School (Surplus 38), Ellistown Primary School (Deficit 2); Ibstock Junior School (Deficit 48), Broom Leys Primary School (Surplus 18), St Denys Infant School (Deficit 55). The overall deficit including all schools within a two mile walking distance of the development is 276 places. The 4 deficit places created by this development can therefore not be accommodated at nearby schools and a claim for an education contribution of 4 pupil places in the primary sector is justified. In order to provide the additional primary school places anticipated by the proposed development the County Council would request a contribution for the Primary School sector of **£40,652.67**. The contribution would be used to accommodate the capacity issues created by the development by improving and remodelling or enhancing existing facilities at Hugglescote Community Primary School. It is also indicated that the contribution will be spent within five years of receipt of the final payment.

High School Requirements:

The site falls within the catchment area of Newbridge High School. The School has a net capacity of 590 and 665 pupils are projected on the roll should this development proceed; a deficit of 65 places (of which 63 are existing and 2 are created by this development). There are two other high schools within a three mile walking distance of the development: Ibstock Community College (Deficit 84) and Castle Rock High School (Surplus 92). The overall deficit including all schools within a three mile walking distance of the development is 57 places. Therefore a claim for an education contribution in the high school sector is justified. In order to provide the additional high school places anticipated by the proposed development the County Council would request a contribution for the High School sector of **£25,026.64**. The contribution would be used to accommodate the capacity issues created by the development by improving, remodelling or enhancing existing facilities at Newbridge High School. It is also indicated that the contribution will be spent within five years of receipt of the final payment.

Upper School Requirements:

The site falls within the catchment area of King Edward VII College. The College has a net capacity of 1193 and 1105 pupils are projected on roll should this development proceed; a surplus of 88 places after taking into account the 2 pupils generated by this development. An education contribution will therefore not be requested for this sector.

The applicant has agreed to meet the education contribution financial requests.

Libraries

The County Council have indicated that the library facilities contribution is outlined in the Statement of Requirements for Developer Contributions in Leicestershire (December 2007). It is considered that the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area. The proposed development on Manor Road is within 1.9km of Coalville Library on High Street being the nearest local library facility which would serve the development site. The library facilities contribution would be **£870.00** (rounded up to the nearest £10). It will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for provision and enhancement of library services and resources most likely to be used by the estimated numbers of new users generated from the proposed development. The contribution has been calculated in accordance with the following formula: -

3 x 2 bedroom houses/apartments @ £54.35 per house/apartment;
11 x 3/4/5 bedroom houses/apartments @ 63.41 per house/apartment.

The applicant has agreed to meet the libraries contribution financial request.

Civic Amenity

The County Council have indicated that the civic amenity contribution is outlined in the Statement of Requirements for Developer Contributions in Leicestershire (December 2007). It is considered that the proposed development is of a scale and size which would have an impact on the delivery of civic amenity waste facilities within the local area. In these circumstances a contribution of **£995.00** (rounded to the nearest pound) is sought. The nearest civic amenity site to the proposed development is located at Coalville and residents of the proposed development are likely to use this site with the calculation based on 14 units multiplied by the current rate for the Coalville Civic amenity site of £71.07.

The applicant has agreed to meet the civic amenity financial request.

Insofar as the various developer contributions are concerned, the view is taken that, save where indicated otherwise above, the proposed obligations would comply with the relevant policy and legislative tests as set out in Circular 05/2005 and the CIL Regulations and are in accordance with Paragraph 204 of the NPPF which states that planning obligations should only be sought where they are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Residential Amenity

Having regard to the layout shown on the site plan it is considered that it would be of a sufficient size to accommodate fourteen dwellings with adequate amenity space and parking provision. The surrounding area is characterised by predominately two-storey properties (detached, semi-detached and terraced) although single storey properties do exist.

Overall the loss of the agricultural operations from the site, as well as the removal of the existing unauthorised storage and distribution use, would result in betterment for the immediate neighbours with regards to smell and noise impacts.

In respect of the impacts of the development on existing amenities it is considered that a

sufficient distance would exist between the properties on Tweentown and the intended positions of the dwellings, which are agreed under this application, with the minimum elevation to elevation distance being 23.6 metres (Plot 12 to 11A Tweentown). Each new dwelling would also have a minimum garden depth of 11.0 metres to the boundaries with the properties on Tweentown. Although the land levels slope downwards from the southern boundary of the site to the highway of Tweentown it is considered that the orientation of these properties, coupled with the overall distances, would ensure that the development would not result in any adverse overbearing, overshadowing or overlooking implications to residents of Tweentown.

Manor Lodge is a single storey detached property which is situated on a higher land level than the application site with Plot 4 of the development being set 8.0 metres from the shared boundary. The intended dwelling for Plot 4 would be a single storey type and in these circumstances it is considered that there would be no adverse overbearing, overshadowing or overlooking implications as a result of the development.

Nos. 50, 52 and 54 Manor Road, a row of two-storey terraced dwellings, lie a maximum of 4.6 metres and minimum of 1.0 metre from the site boundary. It is proposed that Plot 15 would be set 10.0 metres from the shared boundary with Plot 14 being set 11.0 metres from the same boundary. The dwelling on Plot 14 is proposed to be single storey and Plot 15 has been positioned so that it would not be directly behind the rear elevation of No. 54 Manor Road. Whilst the land levels slope downwards at this point the fact that the properties on Manor Road are to the south would ensure that there would be no adverse overshadowing impact and the general distances and positioning of the proposed dwellings would also ensure that there would not be a significant overbearing impact. The single storey property would not result in any adverse overlooking impacts and it could be agreed, at the reserved matters stage, that no habitable room windows be provided in the southern elevation of Plot 15 to ensure an acceptable relationship.

In terms of the amenities of any future occupants it is considered that in the whole an acceptable relationship would exist between the proposed properties and the majority of the existing development around the site. The only area of concern would be between Plots 14 and 15 and Nos. 50, 52 and 54 Manor Road in respect of overlooking implications. It is considered that there would not be any direct view established into the properties, by virtue of their orientation and the overall position of Nos. 50, 52 and 54, and although views would be established onto the rear amenity areas of the proposed dwellings the impacts would not be sufficiently detrimental to warrant a refusal of the scheme given that any future occupants of Plots 14 and 15 would be aware of the relationship prior to the purchase.

With regards to the potential construction noise associated with the development it is considered that this is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance as Environmental Health has raised no issues to the development in this regard, it is considered that the imposition of an hours condition would be unreasonable. Although an hours condition would not be imposed a note to applicant would be added to any consent granted to make them aware of the relationship with residential properties and to be reasonable in the hours of construction which would be undertaken.

Overall the proposal is considered to accord with Policy E3.

Impact on the Historic Environment and Streetscape

The need for good design in new residential development is outlined not only in Local Plan

Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. The site is also located within the National Forest and as such Policy F1 of the Local Plan would also be of relevance.

The site lies within the Donington Le Heath Conservation Area with it being noted within the Donington Le Heath Conservation Area Character Appraisal and Management Plan of September 2010 that the farmhouse, the adjacent outbuilding and outbuilding forming the boundary with Manor Road are 'unlisted buildings of merit.' At present these three buildings are in a state of disrepair and as part of the application the outbuilding situated abutting Manor Road would be removed in order to provide a vehicular access which would satisfy the requirements of the County Highways Authority. Whilst it is regrettable that one of these buildings would be lost the benefits gained in achieving a successful restoration of the farmhouse and adjacent outbuilding would be to the overall gain of the significance of the heritage asset and would only serve to enhance the aesthetics of the streetscape. The position of the vehicular access would also 'open up' views onto the farmhouse and adjacent outbuilding which would assist in revealing their significance.

It is noted that scale, appearance and landscaping are all included as matters to be considered at a later stage. In respect of the intended layout it is considered that it is appropriate in the context of the site's setting within a conservation area given the creation of a 'courtyard' aspect at the northern end of the private road, which would respect the historic agricultural operations conducted from the site, along with a more modern suburban layout of development along the southern boundary of the site which would run parallel to the properties on Tweentown. Each property would also benefit from a substantially sized amenity area which would reflect the characteristics of the properties on the western side of Manor Road. Given the current appearance of the site it is considered that any scheme progressed would only serve to enhance the aesthetics of the surrounding area and streetscape with the indicative visuals identifying that the general design of the properties would be reflective of the current design aspirations of the Local Authority.

In conclusion the site is of a sufficient size to accommodate 14 dwellings with the intended layout identifying that inspiration has been drawn from the historic agricultural operations conducted from the site as well as the modern context of neighbouring built forms. The restoration of two buildings recognised as non-designated heritage assets would also enhance the characteristics of the streetscape and surrounding area as well as the significance of the heritage asset. In these circumstances the development would accord with Paragraphs 57, 59, 60, 61, 64, 131, 135 and 137 of the NPPF and Policy E4 of the Local Plan. The specific requirements of Policies F1 and H7 of the Local Plan would be achieved through any reserved matters application submitted for the detailed design of the proposals.

Accessibility

The County Highways Authority has raised no objections to the development subject to conditions on any consent, one of which would secure a management plan for traffic movement and parking of vehicles associated with the construction of the development, and notes to the applicant. It is considered that the loss of the existing uses conducted from the site along with an agricultural building which abuts the highway and provision of a new vehicular access would be to overall benefit of highway safety given the substandard nature of the existing access. The provision of pedestrian links through the site to the existing public footpaths network would also

be of benefit to pedestrian safety given the lack of pavements which exist along Manor Road. Car parking provision for the residential properties would also be satisfactory, and conditioned accordingly as part of any consent, to ensure that there would not be any issues associated with on-street parking. In these circumstances the development would accord with Paragraphs 32 and 39 of the NPPF as well as Policies T3, T8 and T10 of the Local Plan.

The provision of formal links to the existing public footpath network (footpaths N72 and N74) would also improve the permeability of the site, whilst enhancing its sustainability aims, which accords with the principles of Paragraph 75 of the NPPF.

Ecology

Natural England have advised that consideration should be given to their standing advice on protected species and following the receipt of additional information the County Council Ecologist has no objections. The main concerns related to the potential impacts on Great Crested Newts and Bats and these impacts will be mitigated by the imposition of planning conditions on any consent granted to ensure that a Great Crested Newts survey is undertaken in the optimum survey time (March to June) and the provision of a 'bespoke' bat loft within the retained farmhouse which would mitigate against the loss of any habitat within the demolished farm building. Existing planting to the eastern boundary of the site which borders the candidate Local Wildlife Site (LWS) would also be retained and enhanced as requested by the County Ecologist. It is considered that as the application is in 'outline' only the imposition of a condition for a Great Crested Newt survey to be undertaken would be acceptable given that no built form of development would be provided until such time as a reserved matters application was approved and the results of two survey's has indicated that no great crested newts appear to be present. In these circumstances, therefore, the development would accord with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping

The site lies within the National Forest and as such a strong landscaping scheme would need to be incorporated as part of the overall development. In terms of the information shown on the indicative site plan it is noted that a hedgerow would be retained along the eastern boundary of the site and this would be reinforced with additional planting as well as the provision of additional planting elsewhere within the site particularly within the residential amenity areas of the dwellings. In the circumstances that a suitable landscaping scheme would be secured under any subsequent reserved matters application it is considered that the development would accord with the principles of Policies E2, E7, F1, F2 and F3 of the Local Plan.

Other Matters

The site is not within the flood zone and as such it is anticipated that there is unlikely to be any significant flooding issues associated with surface water run-off, in particular as details of surface water discharge would be secured via a planning condition as requested by Severn Trent Water. The Council's Building Control Section has also confirmed that the suggested condition would address any issues which would be reviewed at the building control stage of the development which would relate to foul and surface water disposal. The imposition of this condition would ensure compliance with Paragraph 103 of the NPPF.

The Council's Land Contamination Officer is of the opinion that the imposition of conditions to mitigate against any contamination within the land, due to its former agricultural use, would be satisfactory and would ensure that the land would be fit for its intended purpose. In the circumstances that these conditions could be secured on any consent granted it is considered that the development would accord with Paragraphs 109, 120 and 121 of the NPPF.

Summary Reasons for Granting Outline Planning Permission

The site is situated within the defined limits to development where there would be a presumption in favour of development, with Donington Le Heath also being considered a sustainable settlement for new residential development given that it lies within the Greater Coalville Area. As such the proposal would accord with Paragraphs 14 and 49 of the NPPF as well as Policies S2 and H4/1 of the Local Plan. It is considered that the density of the scheme and the mix of housing on the site would be acceptable and would accord with Paragraph 50 of the NPPF and Policy H6 of the Local Plan. A sufficient level of financial contributions would be secured through a Section 106 Agreement to mitigate the impacts of the development on local infrastructure in accordance with the aims of Paragraphs 203 and 204 of the NPPF.

The layout of the scheme shown on the submitted plans would ensure that the amenities of both existing and future occupants would not be adversely impacted on in respect of overbearing, overshadowing or overlooking impacts and as such the development would accord with Paragraph 123 of the NPPF and Policy E3 of the Local Plan. It is considered that the site is of a sufficient size to accommodate 14 dwellings and the restoration of two buildings recognised as non-designated heritage assets would enhance the characteristics of the streetscape and surrounding area as well as the significance of the heritage asset. As such the development would accord with Paragraphs 57, 59, 60, 61, 64, 131, 135 and 137 of the NPPF and Policy E4 of the Local Plan.

The new access to be formed has been deemed acceptable by the County Highways Authority and each property would also benefit from appropriate access off the private road as well as sufficient off-street parking provision. As such the development would accord with Paragraphs 32 and 39 of the NPPF as well as Policies T3, T8 and T10 of the Local Plan. The provision of a footpath link to the existing network would also enhance the permeability of the site which would ensure compliance with Paragraph 75 of the NPPF.

Subject to appropriate conditions to mitigate against any impacts on protected species it is considered that the development would not conflict with Paragraph 118 of the NPPF or Circular 06/05. The majority of the vegetation on the site would be retained and additional planting would be secured under any subsequent reserved matters application which would ensure compliance with Policies E2, E7, F1, F2 and F3 of the Local Plan. A condition would be imposed to ensure that the details of drainage are agreed with the Local Planning Authority and this would ensure compliance with Paragraph 103 of the NPPF. The imposition of conditions will address any land contamination concerns associated with the development and as such the proposal will accord with Paragraphs 109, 120 and 121 of the NPPF.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions and the completion of a Section 106 legal agreement;

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

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

- 2 This development shall be implemented in accordance with the site location plan (1:1250), topographical survey (1:200) and drawing numbers 001; 002 Revision A and 004-B Revision B, received by the Local Authority on the 2nd December 2013, and drawing number 003 Revision F, received by the Local Authority on the 27th January 2014, unless otherwise required by another condition of this permission.

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

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

Reason - this permission is in outline only.

- 4 The reserved matters application shall include details of finished ground levels and the proposed floor levels of the dwellings in relation to an existing datum point off the site. The development shall then be carried out in accordance with the approved details.

Reason - to ensure that the development takes the form envisaged by the Local Planning Authority and in the interests of residential amenities given that no precise details have been provided.

- 5 No development shall commence on site until a repair schedule for the restoration of the farmhouse and adjacent outbuilding has been submitted to and agreed in writing by the Local Planning Authority. Once agreed the works indicated within the repair schedule shall be carried out in full prior to the first occupation of any of the dwellings hereby approved and shall thereafter be so retained.

Reason - in the interests of the preservation of non-designated heritage assets and the significance of the heritage asset.

- 6 No development shall commence on site until details of the location and design of a bin collection area, to be provided at the site entrance, and bin storage areas for the individual dwellings has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be provided in full prior to the first occupation of any dwelling hereby approved and shall thereafter be so retained.

Reason - to ensure that the development takes the form envisaged by the Local Planning Authority and in the interests of visual and residential amenity and highway safety.

- 7 The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

- 8 Notwithstanding the requirements of Condition 2 above, no development shall commence on site until the precise details of the proposed bat loft to be installed in the

farmhouse and the access arrangements into the loft, which shall be in accordance with the Bat Mitigation Guidelines of English Nature 2004, have been submitted to and agreed in writing with the Local Planning Authority. Once agreed the bat loft and access arrangements shall be provided prior to the first occupation of the dwelling and shall thereafter be so retained.

Reason - to ensure that protected species are adequately protected and their habitat enhanced.

- 9 No development shall commence on site until an updated Great Crested Newts Survey conducted between March and June, which shall include any appropriate mitigation measures, has been submitted to and agreed in writing by the Local Planning Authority. Any mitigation measures indicated in the report shall be provided in full prior to the commencement of development and shall thereafter be so retained.

Reason - to ensure that protected species are adequately protected and their habitat enhanced.

- 10 The development shall be carried out in strict accordance with the recommendations outlined in Paragraphs 6.4 and 6.5 of Section 6 (Mitigation and Enhancement Proposals) of The Farm, Donington Le Heath Ecological Appraisal of August 2013 by Dunelm Ecology, received by the Local Authority on the 2nd December 2013.

Reason - to ensure that protected species are adequately protected and their habitat enhanced.

- 11 No development shall commence until all the existing trees to be retained have been securely fenced off by the erection, to coincide with the canopy of the tree where possible, of a 1.4 metre high protective barrier in accordance with BS 5837:2012. In addition all hedgerows that are to be retained shall be protected by a 1.2 metre high protective barrier which shall be erected at least 1.0 metre from the hedgerow. Within the fenced off areas there shall be no alteration to the ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand.

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

- 12 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on the site until such time as a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railings and other means of enclosure) has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation of any dwelling hereby approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

Reason - to preserve the amenities of the locality, in the interests of highway safety and because insufficient information has been submitted as part of the outline application.

- 13 Notwithstanding the provisions of Class A, of Part 2, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no gate, wall or fence shall be erected on land forward of any wall of the dwelling(s), which front onto a highway (which shall include any private highway) or footpath other than any that are agreed under Condition 12 of this consent or other than in accordance with a comprehensive and unified scheme of

enclosure which has first been submitted to and agreed in writing by the Local Planning Authority.

Reason - to ensure a satisfactory standard of layout, design and environmental quality in accordance with the principles of the agreed scheme and the context of the site's setting within a heritage asset.

- 14 No development shall commence on site until details of a design for a public footpath between Manor Road and footpath N72 have been submitted to and agreed in writing by the Local Planning Authority. Any dwelling hereby approved shall not be occupied until the approved scheme has been provided in full and dedicated as a public footpath.

Reason - to ensure a satisfactory form of development and in the interests of pedestrian safety.

- 15 Before the first occupation of any dwelling hereby approved the following shall be provided: -

- Visibility splays in accordance with the details shown on the submitted drawing number 003 Revision F, received by the Local Authority on the 27th January 2014, shall be provided at the junction of the access with Manor Road. These shall be in accordance with the standards contained in the current County Council design guide;
- The access shall be provided in accordance with the details shown on drawing number 003 Revision F, received by the Local Authority on the 27th January 2014. The access shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7.0 metres behind the highway boundary;
- Car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of two spaces for a dwelling with up to three bedrooms and three spaces for a dwelling with four or more bedrooms;
- Drainage shall be provided within the site such that surface water does not drain into the public highway;
- Turning facilities shall be provided hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction;
- All redundant vehicular accesses shall be closed permanently and the redundant existing vehicular crossings reinstated with a scheme that shall first be submitted to and agreed in writing by the Local Planning Authority in consultation with the Highway Authority;
- Details of appropriate signing to be located at the access of the site shall be submitted to and agreed in writing by the Local Planning Authority.

Once provided the measures shall thereafter be so retained in perpetuity with nothing being allowed to grow above a height of 0.6 metres within the visibility splays and the turning area so provided shall not be obstructed at any time.

Reasons - to afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety; to enable vehicles to enter and leave the highway in a slow and controlled manner in the interests of general highway safety, to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc;); to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area; to reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users; to enable

vehicles to enter and leave the site in a forward direction in the interests of the safety of road users; in the general interests of highway safety; given the siting of the dwellings, drivers may not readily locate the property from the Manor Road. The signing is in the interests of the safety of road users.

- 16 The gradient of the access drive shall not exceed 1:12 for the 7.0 metres behind the highway boundary.

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

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

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

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

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

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

- CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.
- The Verification Plan shall be prepared in accordance with the requirements of:
- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
 - CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required

amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

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

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

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

Notes to applicant

- 1 Outline planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 This decision is subject to a Section 106 Obligation regarding the following matters: -
 - Contribution towards library facilities;
 - Contribution towards civic amenity facilities;
 - Contribution towards education facilities;
 - Contribution towards leisure facilities;
 - Contribution towards S106 monitoring.
- 4 A separate application will need to be made to North West Leicestershire District Council, to make an appropriate order in respect of the public footpath. It should be noted that an extent of the required public footpath is on land which is outside the development site. The footpath should have a width of 2.0 metres.

- 5 Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. The SAB role is currently anticipated to commence in April 2014. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please email roadadoptions@leics.gov.uk if you wish to discuss further.
- 6 All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager - (telephone 0116 3050001).
- 7 The proposed road does not conform to an acceptable standard for adoption and therefore will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by the private road within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone (0116) 3057198. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it. Details of the future maintenance of the private road should be submitted for the approval of the Local Planning Authority before any dwelling is occupied.
- 8 The proposal is situated in excess of 45.0 metres from the highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approval Document B, Fire Safety 2006.
- 9 The applicant's attention is drawn to the proximity of footpath N74. The applicant will be responsible for ensuring that the line of the footpath is not affected by any operations associated with the development, and that free access can be exercised safely by pedestrians at all times. If it is necessary for any works associated with the development to be carried out within the confines of the footpath, the County Council's consent to these should be obtained before they are commenced. The applicant should notify the Rights of Way Inspector for the area, Mr S.Daniels, who is based at the Northern Area Highways Office, Mountsorrel (Telephone No. 0116 305 0001).
- 10 Any damage that may be caused to the surface of the footpath while the development is being carried out will be the responsibility of the applicant to repair at his own expense, to the satisfaction of the Highway Authority.
- 11 Whilst no condition has been imposed restricting the hours of operation for the construction of the development the applicant is advised that residential properties border the site and as such due consideration should be given to their amenities when undertaking construction/demolition work.
- 12 In respect of Condition 6 of the consent the individual bin store for each property will require an area of 2.11 square metres and an area of 1.25 square metres per property will be required in the bin collection area (i.e. an area of 18.75 square metres for this development). Given the site's setting within a Conservation Area the bin collection area will need to be an enclosed structure constructed from the approved materials for the residential scheme.
- 13 Prior to the commencement of development a check of the site for the presence of badger sett's shall be carried out. Should any sett's be discovered the presence of a qualified ecologist will be required to ensure that the progression of the development would not have an adverse impact on this protected species.

- 14 Bats are a rare and declining group of species. Hence, all British species of bat and bat roosts are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 making it an offence to intentionally kill or injure or disturb these species whilst in a place of shelter or protection or disturb bat roosts. If bat or bat roosts are discovered during work on the development, the relevant work should be halted immediately and Natural England (Tel. 0115 929 1191) should be notified and further advice sought. Failure to comply with this advice may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both.
- 15 The applicant must ensure that people carrying out the works are made aware of the legal status of breeding birds, and that they proceed with care to ensure that if any breeding birds are present, they are not killed, injured or disturbed. If a breeding bird is discovered it should be left undisturbed and the relevant work should be halted immediately until the young birds have flown. Failure to comply with this may result in prosecution any anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both, as it is an offence to disturb nesting/breeding birds.