

Demolition of existing dwelling and erection of 7 no. dwellings

Report Item No  
A9

242 Melbourne Road Ibstock Coalville Leicestershire

Application Reference  
14/00047/FUL

Applicant:  
Mr Louis Masserella

Date Registered  
15 January 2014

Case Officer:  
Adam Mellor

Target Decision Date  
12 March 2014

Recommendation:  
PERMIT Subject to a Section106 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 at the request of Councillor De Lacy due to the application being a matter of local concern.

### Proposal

Planning permission is sought for the demolition of the existing dwelling and erection of seven dwellings at 242 Melbourne Road, Ibstock. It is proposed that No. 242 Melbourne Road, and its associated coach house, would be demolished with five two-storey detached properties being constructed fronting onto Melbourne Road and two single storey semi-detached properties being provided off Linden Close. A new vehicular access would be formed onto Melbourne Road to serve four of the dwellings with a shared parking court being provided to the rear of the properties. A detached triple garage and a single detached garage would be constructed within the parking court.

### Consultations

As a result of the consultation process six letters of representation from third parties objecting to the application have been received along with an objection from Ibstock Parish Council. One representation supporting the design approach to the scheme has also been received. All other statutory consultees have no objections subject to appropriate conditions being imposed 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 the principle of this form of development is acceptable and the proposal is also considered to be within a sustainable location which would ensure compliance with Paragraphs 14, 49 and 53 of the NPPF. Part of the development would be on greenfield land but this would not cause significant conflict with the aims of Paragraph 53 of the NPPF given the sustainable nature of the site, the fact that the land is not protected open space and the fact that the development of the site would not have an adverse impact on the character of the area. Justification for the removal of No. 242 Melbourne Road has been submitted in support of the application and although it is regrettable that this dwelling is lost the development would not cause significant conflict with Paragraph 135 of the NPPF given the unknown history of the property as well as the consideration that could be given to any permitted development application submitted simply for the demolition of the property. The density of the development is considered to be acceptable by virtue of the number of dwellings proposed and the need to ensure good design which would ensure compliance with Policy H6 of the Local Plan.

In the circumstances that the findings of the submitted viability assessment are upheld by the District Valuer it is considered that in order to ensure a viable development no contribution for on-site or off-site affordable housing should be sought in accordance with Paragraph 173 of the NPPF.

It is considered that the relationship between individual plots would be acceptable and the position of the dwellings in relation to neighbouring properties would also ensure that they would not have any significant overbearing, overshadowing or overlooking impacts. The revisions

made to the rear parking court and provision of suitable mitigation measures would also result in any noise generated by the movement of vehicles not impacting adversely on the amenities of neighbours. This would ensure compliance with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

The individual designs of the properties have drawn on the positive characteristics displayed by properties within the vicinity of the site and the layout also conforms to the place-making principles of the Local Authority as well as drawing on inspiration from the National Forest and as such the development would accord with Paragraphs 57, 60, 61 and 64 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

With regards to highway safety it is considered that the provision of a shared access to serve four dwellings would be acceptable and would not cause significant highway safety concerns taking into account the previous conclusions made on application reference 13/00024/FUL which approved three dwellings with individual accesses being formed onto Melbourne Road. Sufficient off-street parking, along with visitor parking, would also be accommodated to the rear of the dwellings which would reduce the potential for on-street parking becoming an issue within the vicinity of the site. As such the development would not conflict with the principles of Paragraph 32 of the NPPF and Policies T3 and T8 of the Local Plan.

The County Council Ecologist has raised no objections to the scheme and as such it would accord with Paragraph 118 of the NPPF and Circular 06/05. Conditions would also be imposed to secure suitable landscaping features for the site, given its setting within the National Forest, which would allow compliance with Policies E2, E7, F1, F2 and F3 of the Local Plan. It is considered that the development would not result in land instability issues to the surrounding area which would accord with Paragraphs 120 and 121 of the NPPF and relevant conditions would be imposed on any consent to ensure that surface water run-off would not exacerbate any localised flooding issue in accordance with Paragraph 103 of the NPPF.

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

**RECOMMENDATION - PERMIT SUBJECT TO SECTION 106 OBLIGATIONS (AFFORDABLE HOUSING) (UNLESS THE DISTRICT VALUER CONFIRMS ITS AGREEMENT WITH THE APPLICANT'S VIABILITY CALCULATIONS) AND SUBJECT TO RELEVANT CONDITIONS.**

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

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the demolition of the existing dwelling and erection of seven dwellings at 242 Melbourne Road, Ibstock. No. 242 is a two-storey detached dwelling, situated on the western side of the street, where it is set back 7.0 metres from the pedestrian footway. An existing vehicular access to the site provides off-street car parking and access to a detached outbuilding to the rear of the property. The site is situated within the defined limits to development, as identified in the North West Leicestershire Local Plan, and the surrounding area is predominately residential with properties varying in their type and design.

Following the demolition of No. 242 Melbourne Road, and associated coach house, it is proposed that five dwellings would be constructed fronting onto Melbourne Road with two dwellings being served off Linden Close. The dwellings fronting onto Melbourne Road would comprise three different house types which would be as follows: -

#### **Plots 1 and 3**

Two-storey detached dwellings with overall lengths of 11.4 metres by 6.7 metres in width and use of pitched hipped roofs with eaves heights of 5.2 metres and overall heights of 8.2 metres. It is indicated on the floor plans that a kitchen/dining area, utility, lounge and water closet would be proposed at ground floor level and four bedrooms, a bathroom and en-suite at first floor level for the occupants

#### **Plots 2 and 4**

Two-storey detached dwellings with overall lengths of 11.4 metres by 6.7 metres in width and use of a pitched gable ended roofs with eaves heights of 5.2 metres and overall heights of 8.7 metres. It is indicated on the floor plans that a kitchen/dining area, utility, lounge and water closet would be proposed at ground floor level and four bedrooms, a bathroom and en-suite at first floor level for the occupants.

#### **Plot 5**

A two-storey detached dwelling with an overall length of 11.4 metres by 7.3 metres in width and use of a pitched hipped roof with an eaves height of 5.2 metres and overall height of 8.5 metres. An integral garage would be attached to the northern (side) elevation of this plot which would project 3.5 metres by a length of 6.1 metres and use of a hipped pitched roof with an eaves height of 2.6 metres and overall height of 5.2 metres. It is indicated on the floor plans that a kitchen/dining area, utility, lounge and water closet would be provided at ground floor level and four bedrooms, a bathroom and an en-suite at first floor level for the occupants.

Plot 5 would utilise the existing vehicular access to No. 242 with off-street parking being provided within the integral garage and to the side of the property. Plots 1, 2, 3 and 4 would be served by a newly created access off Melbourne Road with an access road being provided between Plots 3 and 4 to a rear parking court. Plot 4 would be served by a single garage which would have dimensions of 6.0 metres in length by 3.2 metres in width and use of a pitched gable ended roof with an eaves height of 2.5 metres and overall height of 3.7 metres with two additional off-street parking spaces being provided. Plots 1, 2 and 3 would be served by a detached triple garage which would have dimensions of 6.0 metres in length by 9.2 metres in width and use of a pitched hipped roof with an eaves height of 2.6 metres and overall height of 4.6 metres with two additional tandem parking spaces being provided in front of the relevant garage doors.

The dwellings served off Linden Close (**Plots 6 and 7**) would be a pair of single storey semi-

detached properties which would have individual dimensions of 10.0 metres in length by 7.8 metres in width and use of pitched gable ended roofs with eaves heights of 2.7 metres and overall heights of 6.2 metres. It is indicated on the floor plans that an open plan living room, family room and kitchen along with two bedrooms and a bathroom would be provided for the occupants. These dwellings would be served by a vehicular access created between Nos. 3 and 7 Linden Close, with part of the access being in existence, with two off-street parking spaces being provided to the side of each of the properties.

A design and access statement, building inspection statement and viability report have been submitted in support of the application.

The planning history of the site: -

- 75/1632/P - Outline application for residential development - Withdrawn 17th May 1976;
- 76/0046/P - Outline application for residential development - Withdrawn 17th May 1976;
- 76/0403/P - Residential development (erection of 20 dwellings) - Approved 28th April 1976;
- 13/00024/FUL - Erection of four detached dwellings - Approved 11th March 2013.

## 2. Publicity

25 no. Neighbours have been notified (Date of last notification 25 March 2014)

Site Notice displayed 29 January 2014

## 3. Consultations

Ibstock Parish Council consulted 22 January 2014

County Highway Authority consulted 24 January 2014

Severn Trent Water Limited consulted 24 January 2014

Head of Environmental Protection consulted 24 January 2014

LCC ecology consulted 24 January 2014

Manager Of Housing North West Leicestershire District Council consulted 24 January 2014

## 4. Summary of Representations Received

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

**Ibstock Parish Council** objects to the application for the following reasons: -

- Overdevelopment of the site;
- Capacity of local schools to accommodate addition children;
- Additional volume of traffic causing highway issues along Melbourne Road;
- Safety of children walking to school due to another junction being formed onto Melbourne Road;
- Insufficient off-street parking for any future occupants as well as visitors;
- The infrastructure of Ibstock being unable to cope with the additional housing and the fact that small developments such as this one add to the education and recreation demands but do not contribute to the relevant services.

**Leicestershire County Council - Ecology** has no objections or comments to make on the application.

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

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

**NWLDC - Environmental Protection (Contaminated Land)** has no objections subject to the inclusion of conditions on any consent due to the presence of unknown filled ground within the vicinity of the site. Following reconsultation the contaminated land officer is of the opinion that any permission granted should still be conditioned until such time as information *"to deal with the soils in the vicinity of WS3 and WS6 is required as outlined in paragraphs 21.17 and 21.18. Details such as the volumes of soil to be removed and stockpiled separately, how removal of the contamination will be verified. Details of testing to show it is suitable for reuse and the proposed use of the soil, if the soil is found to be unsuitable for reuse how it will be disposed of."*

**NWLDC - Housing Manager** has outlined that in the circumstances that a viability assessment has been submitted the position would be that if the District Valuer (DV) agrees with the calculation the District Council would accept the position and there would be no on-site or off-site provision. However, if the DV finds that the site is viable with an element of affordable housing payment, as an off-site commuted sum, this should be obtained via a legal agreement and used to contribute to affordable housing elsewhere in the District where a need is identified.

**Severn Trent Water Limited** has no objections subject to the inclusion of drainage conditions on any consent.

### **Third Party Representations**

Five no. representations have been received to the development from the occupants of 202, 205 and 207 Melbourne Road, 23 Usbourne Way and 109 High Street which object to the application on the following grounds: -

- Loss of 242 Melbourne Road which is a period house full of character that could be reused;
- Building survey has not been carried out by a independent qualified surveyor;
- Loss of 242 Melbourne Road and associated Coach House will make Ibstock full of new builds with no history left in village;
- Application does not accommodate adequate off-street parking arrangements;
- There will be yet another access/outlet road onto Melbourne Road, within close proximity to the junctions of Maple Drive and Wildgoose Close as well as the double islands on the A447;

Two no. representations have been received from the occupant of No. 244 Melbourne Road who supports the principle of the scheme for the following reason: -

- Neutral on demolition;
- Considers that the development has been well designed, planned and thought out and in keeping with surrounding buildings;

Concerns have, however, been raised over the following issue: -

- The proximity of the driveway to Plot 5 with No. 244 would cause problems for vehicles coming in and out of both driveways at the same time, crossing over each others paths and obscuring vision to pedestrians and on coming traffic.

## 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 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 53 outlines local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area;

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 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 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 123 outlines that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

Paragraph 135 indicates 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 any harm or loss and the significance of the heritage asset;

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

**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;

**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**

#### **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;

#### **Affordable Housing Supplementary Planning Document**

The Council adopted a revised Affordable Housing Supplementary Planning Document (SPD) on 18th January 2011 and this indicates that the amount of affordable housing sought on all sites of 5 or more dwellings in areas such as Ibstock will be 20%;

#### **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.

#### **National Planning Practice Guidance**

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

### **6. Assessment**

#### **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. It is also acknowledged that the principle of residential development on the site has been established by the approval of the previous application (13/00024/FUL) for four dwellings.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted, which reflects the urban concentration and sustainability objectives underpinning national policies. These are outlined as criteria (a) to (f) and the application site would fall within criterion (e) other appropriate land within a Rural Centre. The second section of the policy goes on to outline a set of criteria relating to the sustainability of the location.

However, policy H4/1 represents a policy relating to the supply of housing and, as such, its relevance also needs to be considered in the context of Paragraph 49 of the NPPF which states that 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. As the Council cannot at the current time demonstrate a five year supply of deliverable housing sites it could not rely on Policy H4/1 as a reason for refusal. Regardless of this issue the sustainability credentials of the scheme would still need to be assessed against the NPPF.

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

Paragraph 53 of the NPPF outlines that inappropriate development of residential gardens should be resisted where there is the potential that development would cause harm to the local area. As a result of the development No. 242, and the associated coach house, would be lost and as such redevelopment on this area of the site would be on previously developed land (brownfield). The remainder of the development would be on paddock land and land which was formerly the residential garden to No. 242. Whilst the aims of the NPPF would be to direct new development to previously developed sites (brownfield) it is considered that the development on garden land would not have an adverse impact on the character of the surrounding area given the extent of gardens which would be retained for the proposed dwellings. It is also considered that in the circumstances that the paddock is not a protected open space or countryside, and the fact that residential development exists to all boundaries of the site, the development would not have an adverse impact on the character of the surrounding area. In any case the sustainability of the sites location would outweigh any arguments which relate to the loss of this small greenfield site.

No. 242 Melbourne Road is considered to be a property which contributes positively to the character and appearance of the streetscape and the exact history of the property is unknown but given the design of the dwelling and presence of a detached coach house it may have formerly been a farmhouse to agricultural land around the site which has been developed on over time. It is possible that the property and associated coach house could be considered a 'non-designated heritage asset' and as such Paragraph 135 of the NPPF outlines that in assessing the application *"a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."* A structural survey has been submitted in support of the application which outlines various defects in the property which include: -

- Widespread cracking in all of the external walls with the location of these cracks and orientation suggesting some history of differential ground or foundation movement;
- Extensive cracking in the internal walls and in the ceilings at both ground and first floor level with the presence of these cracks again suggesting some history of differential ground or foundation movement;

The structural survey also outlined that there was no obvious external factors, such as large trees or blocked drains, which might have precipitated the movement in the structure and the ground movement arising from former coal mining in the area was probably the principal cause for structural damage. Should the building be capable of being repaired and refurbished the following major works would be required: -

- Removal of render from all external elevations to expose the brickwork for repairs;
- Remove the plaster from all cracked walls to expose the brickwork;
- Repair fractured brickwork using stainless steel Helibar reinforcement;
- Rebuild all arched brickwork over window and external door openings and replace all other damaged external and internal limits;
- Strap the first floor and first floor ceiling joists to the external walls;
- Re-render all external elevations and replaster all walls;

It is considered that the above works would likely incur significant financial costs which may not be returned in any onward sale of the property and as a result of this it is proposed that the property be demolished as the cost of demolition would be substantially less and greater profits are achieved in providing two new dwellings on the site of one dwelling. Although the loss of the property would be regrettable it is considered that justification for its removal has been provided and it would not be of such historic significance that its demolition would substantially conflict with the aims of Paragraph 135 of the NPPF as to justify a reason for a refusal of the application. This is particularly true in the circumstances that should an application have simply been submitted for the demolition of the property, as outlined in Paragraph 17 of Circular 10/95, the only circumstances that the Local Authority could have taken into account would have been the proposed method of demolition and the restoration of the site.

### **Density**

Policy H6 of the North West Leicestershire 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 0.27 hectares, the proposed development would have a density of 25.9 dwellings per hectare. Whilst this density would fall 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. In the circumstances that the Local Authority values good design in its approach to residential development, there would be a need to reinforce the landscaping of the site, given the setting of the site within the National Forest, and a suitable housing mix has been achieved. It is considered that the density proposed would represent an efficient use of the land in this instance which reflects and is in keeping with the character of existing development within this part of Ibstock. In these circumstances the proposal would not substantially conflict with the principles of Policy H6 as to warrant a refusal of the planning permission. On the basis that the density of the scheme would be below that generally anticipated for residential development it is also difficult to support the view that the residential scheme would be an overdevelopment of the site.

### **Viability of the Development**

Paragraph 173 of the NPPF outlines that careful attention to viability and costs in plan-making and decision-taking should be undertaken with it being necessary for plans to be deliverable. As a result of this development *"should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened,"* and that to ensure viability contributions should take account of normal costs for development and *"provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*

The Affordable Housing Supplementary Planning Document indicates that on all development sites providing five or more properties a requirement of 20% affordable housing would be required with the Council's preferred position for this to be provided on site. This development would require the need for one dwelling to be provided as an affordable house and the comments of the Council's Affordable Housing Enabler have indicated that the District Council's position would be as follows: -

- If the District Valuer (DV) agrees with the calculation than it would be accepted that there would not be either on-site delivery or an off-site payment in lieu of on-site delivery;

- If the DV finds that the site is viable with an element of affordable housing the payment of an off-site commuted sum to support the provision of affordable housing anywhere in the District where a need has been identified would be acceptable.

The DV has been instructed in respect of the above matter and their conclusions on the viability of the scheme will be reported on the Committee Update Sheet.

In terms of the viability assessment that has been submitted in support of the application this outlines that *"the minimum return that any speculative developer would require from residential development of this size is 20% on the gross development value of the market sale element of the scheme. This is to cover risk, overhead recovery and profit and providing the minimum level of headroom required by the small number of lending institutions still willing to fund projects of this nature."* For the purpose of this appraisal *"a lower level of developer profit at 6% on the affordable housing revenue to reflect the reduced sales risk"* and *"both of the rates of profit have been included in our appraisals, as a blended margin of 19.3%, and we consider this to meet the requirements of the NPPF given current market conditions."* The assessment demonstrates that with a policy compliant scheme (i.e. one affordable home is provided) the development would return a profit of 9.58% which would be a deficit on the target on 19.3%. In a scheme where all dwellings are sold on the open market the scheme would return a profit of 12.97% which would still result in a deficit to the achieved target. In conclusion the assessment outlines that *"to bring the site forward for development the Applicant will need to accept a lower profit compared with standard market levels. Our understanding is that Cadeby Homes are willing to accept a lower margin in this case."*

Should the DV accept the findings of the viability assessment, i.e. no contribution for affordable housing either on-site or an off-site commuted sum is provided, than it is considered that in order to maintain the viability of the scheme no contribution should be sought in order to comply with the principles of Paragraph 173 of the NPPF. If however, the DV considers the scheme to be viable with an off-site affordable housing contribution, the applicants will be requested to provide the contribution and Members will be advised accordingly on the Update Sheet.

In respect of the comments of the Parish Council regarding why the development would not contribute to other services (education, health, highways) it is noted that the Leicestershire County Council Statement of Requirement for Developer Contributions in Leicestershire outlines that only developments comprising ten or more dwellings would lead to the need to make further financial contributions and in the circumstances that this scheme would not exceed the threshold no such contributions can be sought.

### **Residential Amenity**

It is considered that the properties most immediately affected by the proposed development would be No. 244 Melbourne Road, a single storey semi-detached dwelling, situated to the north of the site; 230 Melbourne Road, a two-storey detached dwelling, situated to the south of the site; No. 3 Linden Close, a single storey detached property, situated to the west of the site and No. 7 Linden Close, a single storey detached property, situated to the west of the site and No. 2 Maple Drive, a two-storey detached dwelling, situated to the south-west of the site.

At present a 1.0 metre high hedgerow defines the boundary between No. 230 and Plot 1 with the plans indicating that a 1.8 metre high close boarded timber fence would be erected along the shared boundary as part of the development. Whilst windows exist in the northern (side) elevation of No. 230 facing the site these would be secondary windows to the principal windows on the eastern (front) and western (rear) elevations. Unit 1 would have a projection of 1.8 metres beyond the rear elevation of No. 230 but given the orientation of No. 230 to Plot 1, as

well as the set back of the dwelling off the shared boundary, it is considered that the positioning of the dwelling would not have a sufficiently detrimental overbearing or overshadowing impact on the occupant's amenities. There would also be no significant overlooking implications given that the first floor window in the side elevation of Unit 1 would be conditioned to be obscure glazed and the position of the rear elevation would only allow an oblique angle of view onto the latter parts of the amenity area to this property which is substantial in size.

No. 244 Melbourne Road sits on a slightly higher land level than No. 242 and at present a 1.2 metre high brick wall, taken from the side of No. 242, exists along the shared boundary. Three windows and a door exist in the southern (side) elevation of this property with it being considered that two of the windows would serve non-habitable rooms (given the use of obscure glazing) and the other serving a habitable room which is possibly a bedroom or lounge window. Plot 5 would be set 3.2 metres from the shared boundary, at its closest point, and has been designed so that it would angle away from No. 244 in order to create a similar relationship to that which presently exists. Although No. 244 is to the north of the site it is considered that the position of the dwelling would ensure that it would not impinge significantly on the habitable room window and as such there would be no adverse overbearing or overshadowing implications. In terms of overlooking impacts it is considered that the first floor window proposed in the northern (side) elevation of Plot 5 would not provide any direct view into No. 244 or onto its private rear amenity area and given that Plot 5 is angled away from the boundary with No. 244 there would be no direct overlooking impacts from the windows on the rear elevation. Plot 6 would be set 13.6 metres from the south-western corner of No. 244 and this distance, coupled with the presence of the boundary treatments, would ensure there would be no adverse overbearing or overshadowing impacts. As Plots 6 and 7 are also single storey there would be no adverse overlooking implications.

In respect of No. 3 Linden Close it is considered that no habitable room windows exist in the eastern (side) elevation of this property and given the presence of a substantial boundary hedge, and the overall height of Plot 7, there would be no adverse overbearing or overshadowing impacts on the occupant's amenities. The boundary treatment would also prevent any overlooking implications given that the property would be single storey only.

With regards to No. 7 Linden Close it is considered that the distance of Plots 3 and 4 from the shared boundary with this property, over 26.0 metres, would ensure that there would be no significant overbearing, overshadowing or overlooking implications. Plots 6 and 7 would be set over 7.0 metres from the northern (side) boundary of No. 7 and given the presence of a retained boundary hedge, as well as the fact that Plots 6 and 7 are single storey, it is considered that there would be no adverse impacts on the occupant's amenities.

The rear elevation of Plot 1 would be set 27.0 metres from the boundary with No. 2 Maple Drive which would ensure there would be no adverse overbearing, overshadowing or overlooking implications.

In respect of the garages to the rear of the site, the triple garage serving Plots 1, 2 and 3 would be set 9.0 metres from the north-eastern corner of No. 2 and given the presence of the boundary treatments, as well as the overall height of the structure, there would be no adverse overbearing or overshadowing impacts. The triple garage would be set 9.8 metres from the south-eastern corner of No. 7 with the single garage (serving Plot 4) being set 13.8 metres from the north-eastern corner and these distances would be sufficient in ensuring that the garaging structures would not have adverse impacts on the occupant's amenities.

It is considered that the relationship between the individual dwellings would be acceptable and

although first floor windows exist in the side elevation of No. 230 these would only provide direct views onto the side elevation of Plot 1 with only an oblique angle of view being created towards the rear amenity area. The habitable room window at ground floor level on No. 244 is not currently obscured by the present boundary treatment but in the circumstances that a boundary treatment scheme could be agreed as part of any consent it is considered that any views out of this window would also not create any significant implications to the amenities of Plot 5. Plot 5 would also be set over 18.0 metres from the boundary with Plot 6 which would also be considered acceptable in preventing an adverse overlooking impact.

The initial layout has been altered in respects of the parking court arrangement to the rear of the Plots with the detached garages now being moved further away from the immediate boundaries with No. 2 Maple Drive and No. 7 Linden Close. The parking provision for Plot 6 has also been repositioned so that it would now be to the side of this dwelling rather than adjacent to the boundary with No. 7. Four dwellings would be served by the parking court and the applicant's have indicated that the boundaries with No. 2 and No. 7 would be provided with an acoustic fencing scheme and dense landscaping in order to mitigate any noise generated by vehicular movements. In any case the level of traffic generated by the occupants of Plots 1, 2, 3 and 4 would not be significant and would not be too dissimilar to having a development on a corner site with a road running close to the dwelling and its rear garden, which was considered in an appeal to be acceptable yardstick for an acceptable standard (Appeal Ref: APP/G2435/A/08/2065885/WF), and in the circumstances that a suitable mitigation scheme could be agreed as well as the fact that Environmental Protection has raised no objections it is considered that the level of noise generated would not be sufficiently detrimental to warrant a refusal of the application. On application reference 13/00024/FUL the principle of the vehicular movements between Nos. 3 and 7 Linden Close was deemed acceptable for one dwelling and although an additional dwelling would be provided the amount of movements associated with this additional dwelling would not be sufficiently detrimental to amenities, given the total bedroom numbers, to warrant a refusal of the application particularly in the circumstances that the off-street parking provision for Plot 6 is now adjacent to its side elevation rather than immediately behind No. 7 Linden Close.

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

### **Design**

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

The application site comprises a relatively flat piece of paddock land and residential garden to No. 242 which would adjacent to Nos. 230 and 244 Melbourne Road, Nos. 3 and 7 Linden Close and No. 2 Maple Drive. The surrounding residential development on Melbourne Road varies between two-storey detached and semi-detached dwellings on the western side of the street and two-storey terraced properties on the eastern side. A large amount of the properties on Melbourne Road exhibit high quality in their architectural design including the use of eaves detailing, stone cills and headers, chimneys, mid-course details and contrasts between brick and render. Dwellings are generally set back from the highway and have small garden areas

being enclosed by boundary fences, hedges or walls. Parking provision for the dwellings on the western side of Melbourne Road are either to the site frontage or to the side of the dwellings whilst the terraced properties on the eastern side of the street have a designated parking area in the main highway. Properties on Maple Drive and Linden Close are of modern construction and are either two-storey or single storey in height. It is considered that the dwellings on Melbourne Road which exhibit high architectural quality should inform the detailed design approach to this residential development.

Plots 1 - 5 would front onto Melbourne Road and have been set back a similar distance from the highway as No. 230 but further forward than No. 244 which ensures that they contribute positively to the appearance of the streetscape by providing a strong street frontage. New timber post and rail fencing along with landscaping would be provided to the front boundaries of the site which will help the development to respect its National Forest setting. The provision of a rear parking court and placement of garage to the side elevation of Plot 5 will assist in preventing car domination to the frontage of the properties. Plots 6 and 7 would be situated in the corner of Linden Close and would respect the building line of development on this street. Parking would also be provided to the side elevations of the dwellings to ensure that vehicles do not appear prominent in views and hedgerow planting would be provided to the frontage of these plots to contribute to the National Forest setting.

In terms of the designs of the individual properties it is considered that Plots 1 to 5 have drawn upon the positive characteristics of properties on Melbourne Road and as a result would contribute positively to the character and appearance of the streetscape by virtue of their design characteristics. The incorporation of timber into the scheme will also reinforce the National Forest identity of the dwellings which would accord with the principles of Policy F1. Plots 6 and 7 are situated on Linden Close and as such have a separate design concept to that of Plots 1 to 5. It is considered that these dwellings would be more simplistic in their design approach but have maintained a degree of interest to the front elevations by the provision of projecting gables, the scale of the properties would also not be too dissimilar to those that exist on Linden Close and as such they would not detract from the character and appearance of the streetscape.

The termination of the vista along the access road would now be terminated by a landscaped area with a feature tree which is considered to be acceptable given that only fleeting views down this access drive would be established. Plots 3 and 4 will contain windows in habitable areas within their side elevations to ensure that the access road has natural surveillance and a scheme of boundary treatments could be agreed to ensure that Plots 2, 3 and 4 have low level rear boundary treatments to ensure that the detached garages, and associated parking to the garages frontages, would also have natural surveillance.

Although the materials to be used in the construction of the dwellings have been partially specified in the application forms not all the materials have been noted and as such it is considered that it would be appropriate to condition any planning consent to ensure that samples of the materials to be used are submitted for approval to ensure that appropriate materials are utilised. Bin storage areas would also be conditioned in order to ensure that details of their positions are agreed to prevent the storage of refuse containers impacting negatively on the appearance of the streetscape.

Overall the layout, design and scale of the dwellings are considered to be appropriate and would ensure that the development accords with Paragraphs 57, 60, 61 and 64 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

### **Highway Safety**

The County Highways Authority has raised no objections to the development subject to conditions being placed on any grant of planning permission. It is considered that the access road created would be of a sufficient width at its entrance to ensure that a vehicle can exit the site whilst another pulls clear from the highway which would allow the free and safe flow of vehicles in the highway. Plot 5 would be served by the existing access to No. 242 which is considered acceptable and sufficient manoeuvring facilities are provided within the curtilage to ensure that vehicles exit the site in a forward direction. Given the use of the existing access to No. 242 for Plot 5 it is considered that any conflict with the movement of vehicles associated with No. 244 would be the same as existing and as such would not impact adversely on pedestrian or highway safety. The previous planning approval on the site (13/00024/FUL) allowed three dwellings to have individual accesses onto Melbourne Road and an although an additional dwelling would be proposed as part of this development, given that Plot 5 uses an existing access, it is considered that the provision of a single vehicular access would result in less detriment to pedestrian and highway safety than that considered acceptable previously. This is due to the fact that more of the pavement would be left in tact and there would be less competition between vehicles moving from the individual properties should people exit at the same time.

Plots 6 and 7 would enter Melbourne Road via the existing estate road serving Maple Drive and Linden Close and given the nature of this road it is considered that it would be capable of accommodating the movements of an additional two dwellings.

In respect of parking matters it is considered that the detached garages would have internal dimensions which would ensure that they could accommodate a vehicle and as such Plots 1 - 5 would have at least three off-street parking spaces which would be considered sufficient and would also allow for visitor parking. Plots 6 and 7 would enter Melbourne Road via the existing estate road serving Maple Drive and Linden Close and given the nature of this road it is considered that it would be capable of accommodating the movements of an additional two dwellings.

In these circumstances the development would accord with Paragraph 32 of the NPPF and Policies T3 and T8 of the Local Plan.

### **Ecology**

The County Ecologist has raised no objections to the proposed development and in these circumstances it is considered that protected species would not be adversely affected by the proposed development which would ensure compliance 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 site plan it is noted that hedgerows would be planted to the frontage of the properties and trees would also be planted. It is considered that a condition could be imposed on any consent granted to ensure that an appropriate soft landscaping scheme is submitted for approval and as such the development would accord with the principles of Policies E2, E7, F1, F2 and F3 of the Local Plan.

### **Other Matters**

The Council's Environmental Protection team have raised no objections to the development with regards to ground contamination or land instability and given that the site does not fall within the

Coal Mining Referral Area it is considered that the proposals would not lead to land instability issues to neighbouring properties which would ensure compliance with Paragraphs 120 and 121 of the NPPF. Should any future issue arise with regards to land stability then this would be a civil matter between the residential properties affected and the developers of the site.

It is noted that the application site and the properties within the vicinity of the site do not fall within a Flood Zone. Severn Trent Water has indicated that a condition should be imposed on any consent to ensure that details of foul and surface water drainage are agreed and it is considered that this condition would be relevant. In any case it is anticipated that any surface water run-off solution would not further exacerbate any localised flooding issues and as such the development would not conflict with Paragraph 103 of the NPPF.

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

The site is situated within the defined limits to development where the principle of this form of development is acceptable and the proposal is also considered to be within a sustainable location which would ensure compliance with Paragraphs 14, 49 and 53 of the NPPF. Part of the development would be on greenfield land but this would not cause significant conflict with the aims of Paragraph 53 of the NPPF given the sustainable nature of the site, the fact that the land is not protected open space and the fact that the development of the site would not have an adverse impact on the character of the area. Justification for the removal of No. 242 Melbourne Road has been submitted in support of the application and although it is regrettable that this dwelling is lost the development would not cause significant conflict with Paragraph 135 of the NPPF given the unknown history of the property as well as the consideration that could be given to any permitted development application submitted simply for the demolition of the property. The density of the development is considered to be acceptable by virtue of the number of dwellings proposed and the need to ensure good design which would ensure compliance with Policy H6 of the Local Plan.

In the circumstances that the findings of the submitted viability assessment are upheld by the District Valuer it is considered that in order to ensure a viable development no contribution for on-site or off-site affordable housing should be sought in accordance with Paragraph 173 of the NPPF.

It is considered that the relationship between individual plots would be acceptable and the position of the dwellings in relation to neighbouring properties would also ensure that they would not have any significant overbearing, overshadowing or overlooking impacts. The revisions made to the rear parking court and provision of suitable mitigation measures would also result in any noise generated by the movement of vehicles not impacting adversely on the amenities of neighbours. This would ensure compliance with Paragraph 123 of the NPPF and Policy E3 of the Local Plan.

The individual designs of the properties have drawn on the positive characteristics displayed by properties within the vicinity of the site and the layout also conforms to the place-making principles of the Local Authority as well as drawing on inspiration from the National Forest and as such the development would accord with Paragraphs 57, 60, 61 and 64 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

With regards to highway safety it is considered that the provision of a shared access to serve four dwellings would be acceptable and would not cause significant highway safety concerns taking into account the previous conclusions made on application reference 13/00024/FUL which approved three dwellings with individual accesses being formed onto Melbourne Road. Sufficient off-street parking, along with visitor parking, would also be accommodated to the rear

of the dwellings which would reduce the potential for on-street parking becoming an issue within the vicinity of the site. As such the development would not conflict with the principles of Paragraph 32 of the NPPF and Policies T3 and T8 of the Local Plan.

The County Council Ecologist has raised no objections to the scheme and as such it would accord with Paragraph 118 of the NPPF and Circular 06/05. Conditions would also be imposed to secure suitable landscaping features for the site, given its setting within the National Forest, which would allow compliance with Policies E2, E7, F1, F2 and F3 of the Local Plan. It is considered that the development would not result in land instability issues to the surrounding area which would accord with Paragraphs 120 and 121 of the NPPF and relevant conditions would be imposed on any consent to ensure that surface water run-off would not exacerbate any localised flooding issue in accordance with Paragraph 103 of the NPPF.

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

**RECOMMENDATION - PERMIT SUBJECT TO SECTION 106 OBLIGATIONS (AFFORDABLE HOUSING) (UNLESS THE DISTRICT VALUER CONFIRMS ITS AGREEMENT WITH THE APPLICANT'S VIABILITY CALCULATIONS) AND SUBJECT TO THE FOLLOWING CONDITIONS;**

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

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

- 2 This development shall be implemented in accordance with drawing numbers 100 and 101, received by the Local Authority on the 15th January 2014, and drawing numbers 150D, 250C, 251B and 252 received by the Local Authority on the 5th March 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 Notwithstanding the details shown on the approved plans, no development shall commence until a schedule of external materials and brick bonds to be used in the new dwellings and external finishes to render and the window/door units have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details which shall thereafter be so retained.

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

- 4 No development shall commence on site until the positioning and treatment of utility boxes and details of rainwater goods including external finishes have been submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details which shall thereafter be so retained.

*Reason - in the interests of neighbouring amenities and the visual amenities of the locality.*

- 5 Notwithstanding the details shown on the approved plans, no development shall commence until detailed drawings of the chimney stacks, eaves/verge detailing and head and cills to the properties have been first submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details which shall thereafter be so retained.

*Reason - to enable the Local Planning Authority to retain control over the external appearance as no precise details have been submitted.*

- 6 Notwithstanding the details showed on the approved plans before first occupation/use of the dwellings, hereby approved, a scheme of soft and hard landscaping (including for retention of existing trees and hedgerows) shall be submitted to and agreed in writing by the Local Planning Authority. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the first occupation/use of the dwelling unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The approved hard landscaping scheme shall be provided in full prior to the occupation of any of the dwellings unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be so retained.

*Reason - to ensure a satisfactory landscaping scheme is provided within a reasonable period and in the interests of visual amenity given the site's location in the National Forest.*

- 7 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.*

- 8 Notwithstanding the submitted plans, nor Condition 2 above, before first occupation/use of the dwellings a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railings and other means of enclosure and including details of acoustic fencing to the site boundaries with No. 2 Maple Drive and No. 7 Linden Close) shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation 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.*

- 9 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.

*Reason - to enable a vehicle to stand clear of the highway whilst the gates are opened/closed*

*and to protect the free and safe passage of traffic, including pedestrians, in the public highway.*

- 10 The gradients of the access drives shall not exceed 1:12 for the first 5 metres behind the highway boundary.

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

- 11 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.

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

- 12 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 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.*

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

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

- 14 Prior to the first occupation of any dwelling on the site the off-street parking provision, including garage spaces, as shown on drawing number 150D, received by the Local Authority on the 5th March 2014, shall be provided and thereafter shall permanently remain available for car parking.

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

- 15 Notwithstanding the details shown on drawing number 150D, received by the Local Authority on the 5th March 2014, no development shall commence on site until a scheme for the lighting and marking of the off-street parking spaces has been submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be implemented in accordance with the approved scheme which shall thereafter be so maintained at all times.

*Reason - to ensure the satisfactory overall appearance of the completed development and to*

*ensure the security of the parking facilities.*

- 16 The window serving the landing at first floor level in the southern (side) elevation of Plot 1 shall be glazed with obscure glass, to Pilkington Standard 3 or its equivalent, and non-opening, unless the opening part is more than 1.7 metres above the internal floor level of the room in which the window is installed, which once provided shall thereafter be so maintained in perpetuity.

*Reason - in the interests of preserving the amenities of neighbouring properties.*

- 17 No development shall commence on site until details of proposed site levels and finished floor levels of the proposed dwellings, which should be related to a fixed datum point off the site, have been submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be carried out in accordance with the approved details.

*Reason - to determine the scope of the permission and in the interests of residential amenity.*

- 18 No development shall commence on site until drainage plans for the disposal of surface water and foul sewerage have been submitted to and approved by the Local 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.*

- 19 No development shall commence on site until a Remedial Scheme and Verification Plan, drafted in line with the recommendations of Nicholls Colton Geotechnical report reference G13290 dated January 2014 have been submitted to and approved 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. 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.
- 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.*

- 20 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 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 The applicant will be required to enter into a suitable legal agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
- 4 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).
- 5 Any street furniture or lining that requires relocation or alteration shall be carried out

- entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.
- 6 The highway boundary is the fence fronting the premises and not the edge of the carriageway/road.
- 7 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. 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](mailto:roadadoptions@leics.gov.uk) if you wish to discuss further.
- 8 The applicant's are advised that should the hedge along the boundary with No. 230 Melbourne Road be removed then it is requested that a 2.0 metre high close boarded timber fence is erected as a replacement boundary treatment to ensure the privacy between No. 230 and Plot 1.
- 9 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)
- Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)
- If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk).
- 10 Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.