

**Demolition of one dwelling and removal of parking area for former Queensway House and erection of 6no. dwellings**

**Report Item No  
A2**

**Queens Street Measham Swadlincote Derbys DE12 7JF**

**Application Reference  
21/00755/FUL**

**Grid Reference (E) 433450  
Grid Reference (N) 312295**

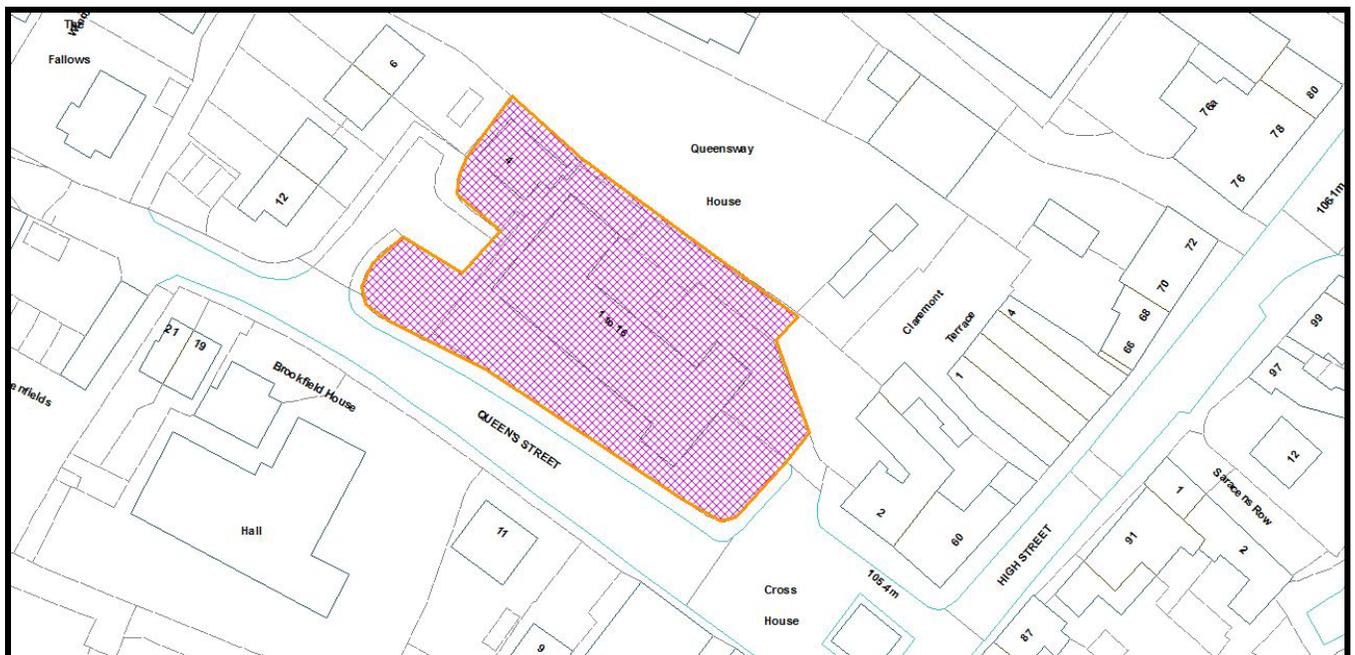
**Date Registered:  
7 May 2021  
Consultation Expiry:  
4 March 2022  
8 Week Date:  
2 July 2021  
Extension of Time:  
None Agreed**

**Applicant:  
Sarah Robinson**

**Case Officer:  
Sarah Booth**

**Recommendation:  
PERMIT**

**Site Location - Plan for indicative purposes only**



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## **Executive Summary of Proposals and Recommendation**

### **Call In**

The application is brought before Planning Committee because the application has been submitted by North West Leicestershire District Council and contrary representations to the recommendation to permit the application have been received.

### **Proposal**

Planning permission is sought for the demolition of one dwelling, the removal of an existing parking area and erection of six dwellings on land at Queens Street, Measham.

### **Consultations**

A total of 3 letters of neighbour representation have been received. Concerns have been raised by Measham Parish Council. Comments have also been raised by the Council's Conservation Officer and the Urban Design Officer about the scheme and these have been addressed in the assessment below. No further objections have been received from other statutory consultees who have responded during the consultation process.

### **Planning Policy**

The site is located within the Limits to Development on the Policy Map of the adopted Local Plan. The application has also been assessed against the relevant policies within the NPPF (2021), the adopted Local Plan, the Council's Good Design Supplementary Planning Document (SPD) and other relevant guidance.

### **Conclusion**

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental impacts on residential amenity, design, heritage, the River Mease SAC or highway safety. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the advice in the NPPF and the Council's Good Design SPD. It is therefore recommended that the application be permitted, subject to the imposition of planning conditions.

### **RECOMMENDATION:- PERMIT SUBJECT TO CONDITIONS.**

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

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the demolition of one dwelling known as No.4 Queens Street and removal of an existing parking area and the erection of six new dwellings on land at Queens Street, Measham. The proposed new dwellings would be for council housing for social affordable rent through North West Leicestershire District Council.

The application site was last occupied by Queensway House. This was a Council owned building that provided sheltered accommodation for elderly residents. Queensway House was demolished a few years ago and the site has remained unused whilst a redevelopment scheme was considered.

The site is located within Limits to Development, as defined by the Policy Map to the adopted Local Plan.

Amended plans have been received during the course of the application to address design and highway safety concerns. The total number of new dwellings has been reduced from 7 to 6, several vehicular access points have been altered, detailed levels information has been provided and some layout and aesthetic alterations have been made. The precise dimensions of the proposal are available to view on the planning file.

#### Recent Planning History

19/01863/FUL - Retention of fencing (temporary permission) PER 15.01.2020.

18/02259/DEM - Demolition of Queensway House flats and associated buildings PER 22.01.2019.

#### Adjacent application relevant to this proposal

17/01053/FUL - Demolition of existing buildings and erection of 7 no. dwellings and associated infrastructure (sizes and design of dwellings amended from previous approval 15/01005/FUL) PER 17.05.2018

### 2. Publicity

39 Neighbours have been notified.

Site Notice displayed 21 May 2021.

Press Notice published Burton Mail 26 May 2021.

### 3. Summary of Consultations and Representations Received

**Measham Parish Council** - Have raised the following concerns:

The parish council request that these properties have a covenant which only allows them to be let to people who live in or have a strong connection to Measham.

It is asked that the properties are constructed disability friendly in order to avoid having to retro fit in the future.

Measham Parish Council feel that this application will result in a huge loss of on street parking for the centre of the village and will be detrimental to local businesses, shops and the working man's club, this is something NWLDC should look to mitigate.

**NWLDC Conservation Officer** - has concluded that the proposal would result in less than substantial harm to the setting of the Conservation Area and the setting of a listed building.

**NWLDC Urban Designer** - Has made some suggestions to improve some design elements of the scheme. This is detailed in the report below.

**No objection from:-**

NWLDC Affordable Housing Officer  
NWLDC Waste Service  
Natural England  
County Archaeologist  
Historic England  
LCC Minerals and Waste Planning

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

County Highway Authority  
NWLDC Environmental Protection  
LCC Ecology

**No response received from:-**

Severn Trent Water

**Third Party Representations**

Three letters of neighbour representation have been received these letters can be summarised as follows:

- Highway safety.
- The existing on street parking on Queens Street will be reduced due to the application.
- The development will increase demand for more off street parking.
- Lots of different people use the on street parking in Queens Street including residents, deliveries, buses etc.
- Concerns with parking during construction.
- Parish Council have raised similar concerns.
- Clarification on the number of dwellings.
- Unsafe trench.

**4. Relevant Planning Policy**

**National Planning Policy Framework – 2021**

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are applied. The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 8, 10 and 14 (Achieving sustainable development)  
Paragraph 11 (Presumption in favour of sustainable development)  
Paragraph 30 (Plan-making)

Paragraphs 47, 48 and 55- 57 (Decision-making)  
Paragraphs 60, 69, 74 and 75 (Delivering a sufficient supply of homes)  
Paragraph 84 (Building a strong, competitive economy)  
Paragraph 92 and 93 (Promoting healthy communities)  
Paragraphs 104, 105 and 110-112 (Promoting sustainable transport)  
Paragraphs 119, 120 and 124 (Making effective use of land)  
Paragraphs 126, 130-132 and 134 (Achieving well-designed places)  
Paragraphs 152, 154, 157 and 167 (Meeting the challenge of climate change, flooding and coastal change)  
Paragraphs 174, 180, 182-185 and 187 (Conserving and enhancing the natural environment)  
Paragraphs 194, 195, 197, 199-203 and 205-207 (Conserving and enhancing the historic environment)

**Adopted North West Leicestershire Local Plan (2021)**

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

S1 - Future Housing and Economic Development Needs  
S2 - Settlement Hierarchy  
D1 - Design of New Development  
D2 - Amenity  
IF4 - Transport Infrastructure and New Development  
IF7 - Parking Provision and New Development  
En1 - Nature Conservation  
En2 - River Mease Special Area of Conservation  
En3 - The National Forest  
En6 - Land and Air Quality  
He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment  
Cc3 - Water - Sustainable Drainage Systems

**Other Guidance**

Sections 66(1) and 72 Planning (Listed Buildings and Conservation Areas) Act 1990  
The Community Infrastructure Levy Regulations 2010  
The Conservation of Habitats and Species Regulations 2017  
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)  
Planning Practice Guidance - November 2016  
River Mease Water Quality Management Plan - August 2011  
The River Mease Developer Contributions Scheme (DCS) - September 2016  
Good Design for North West Leicestershire SPD - April 2017  
National Design Guide - October 2019  
Leicestershire Highways Design Guide (Leicestershire County Council)  
Measham Conservation Area Study and Appraisal - December 2016  
National Forest Strategy 2014-2024

## 5. Assessment

### Principle of Development

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

This application seeks permission for the demolition of one dwelling, removal of a parking area and erection of six new dwellings.

The site is located within Limits to Development as defined by the adopted Local Plan. Policy S2 of the Local Plan defines Measham as a 'Local Service Centre' which is supportive in principle of a reasonable amount of new development.

It is proposed that these dwellings would provide additional housing for the Council to rent as affordable units, the principle of which is encouraged by the NPPF and the Council's Local Plan.

No developer contributions have been sought as the number of units proposed falls below the thresholds for affordable housing as set out in the Local Plan and recently adopted SPD, for National Forest planting and for education, library, civic amenity sites and healthcare contributions.

The Council's Affordable Housing Officer has commented on the application and has referred to Policies H4 (Affordable Housing) and H6 (House types and mix), however this application is below the threshold for these Local Plan Policies. The Council's Affordable Housing Officer has no objections to the application.

Measham Parish Council has requested that the proposed new dwellings should have restrictive covenants which only allow occupants to reside there if they have strong connections to Measham. It is considered that this would be unreasonable, particularly as the application site is located within limits to development. Furthermore the dwellings will be used as affordable rented accommodation and allocated pursuant to the Council's housing allocation policy which details the criteria in some circumstances that require a local connection to the area. The properties shall remain in the ownership of the District Council. As such there is not considered to be a justifiable policy reason for this request.

The Parish Council have also asked that the properties be disability friendly. There is not a Planning Policy reason to insist on this request, however the properties all appear to have level access and one property would be a bungalow. These factors should therefore help to alleviate some of the Parishes concerns. Additionally, the Council has its own powers which aim to deliver this and there are also Building Regulations which help to ensure properties are more easily accessible.

Overall, it is considered that the proposal would represent a sustainable form of development and would accord with the policy aims of both the adopted Local Plan and would be acceptable in relation to the NPPF. Therefore the development is acceptable in principle subject to other material considerations.

## Historic Environment

Sections 66(1) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to have special regard to the desirability of preserving listed buildings, their setting and the character and appearance of a Conservation Area when considering whether or not to grant planning permission for development. Consideration should also be given to the desirability of preserving or enhancing the character or appearance of that area. It is also important to assess the proposal against heritage guidance in the NPPF particularly paragraphs 197, 199, 200 and 202.

Policy He1 of the adopted Local Plan aims to secure the conservation and enhancement of North West Leicestershire's historic environment.

### *Significance of the Heritage Assets*

The application proposes to erect 6 dwellings and these would be located adjacent to the Measham Conservation Area which borders the south-east of the application site. Plots 5 and 6 are the closest proposed dwellings in relation to the Conservation Area.

The Conservation Officer also considers that the proposed development would fall within the setting of The Church of St Lawrence, which is located 70 metres to the south-east of the application site.

The area directly to the south-east of the application site is known as the Market Place. The Measham Conservation Area Appraisal states that a market charter was granted to William de Beresford in 1310 and the 1750 map depicts a market cross at the junction of High Street and Queen's Street and Joseph Wilkes built a market house at the junction. Buildings that face the Market Place are generally directly adjacent to the public footway and are mostly laid out with their eaves addressing the public space.

The majority of buildings in this location are two storeys tall and are faced in red brick, with a minority faced in render. The majority of properties in this location are constructed with plain or slate roof tiles.

### *Impact on the Heritage Assets*

The Conservation Officer has advised that Plots 5 and 6 should be laid out to the back of the pavement and Plot 5 should be laid out with its eaves addressing the area known as the "Market Place", to the south of the site. These alterations were advised in order to reflect the character of the adjacent properties in the Conservation Area. The Conservation Officer has also advised that the solar panels should be omitted or relocated from units 5 and 6 to minimise the impact on the Conservation Area.

Without the above amendments the Conservation Officer has advised that the development would result in less than substantial harm to the significance of the Measham conservation area and the setting of the grade II\* listed parish church.

The applicant has advised that the current positioning of Plots 5 and 6 is required because they are seeking to provide an element of defensible space in front of the properties for the safety of future occupants. The NPPF says that development should "create places that are safe and where crime and the fear of crime do not undermine quality of life". The Good Design for NW Leicestershire SPD discourages "the creation of small pieces of land with no practical public, private or semi-private function". Furthermore, by moving the plots further forward this would

also impact on highway safety as it would affect visibility and reduce the provision of off street parking.

The applicant has advised that North West Leicestershire District Council's new build specification for Council owned properties requires solar panels to be included for each property for tenant energy affordability and low carbon aspirations. It is not possible to relocate the solar panels to an alternative roof slope because the panels are reliant on the south facing roof slope to ensure the panels have the best access to daylight. The Applicant has suggested that they would be willing to agree the type of solar panels to be used to limit the visual impact. It is considered that this would be acceptable given the circumstances and that this could be secured by condition.

The Conservation Officer's comments have been considered regarding the eaves for plots 5 being relocated to face the Market Place. However it has been considered that the proposed front gable is more in keeping with the character of development in this location.

Taking the above into account, less than substantial harm has been identified by the Conservation Officer. This harm must be afforded weight and importance. Therefore, the proposal should be assessed against paragraph 202 of the NPPF (2021) in terms of the question of whether or not the public benefits of the proposal outweigh the harm.

The proposal would add to the housing stock, however since the Local Authority is able to demonstrate a five-year land supply this is not a significant benefit, as there is no overriding need for housing in this location. However, the properties would provide affordable accommodation which would provide a public benefit.

There would be benefits in terms of job creation, during the construction phase of the housing development, however the housing number is low and therefore the duration would be limited. Furthermore, any benefits arising from household expenditure generated by the housing developments and the impact of these upon local businesses, services and providers would also be very small scale.

The harm to the setting of these designated heritage assets must be given considerable weight and importance. However, it is taken into account that the application site is not located within the Conservation Area. The proposal would affect the setting of the Conservation Area and the Setting of a Grade II\* listed church. Notwithstanding this, it is also noted that the church is at least 70 metres from the application site and there are some intervening buildings within the separation distance. Taking these matters into account the degree of less than substantial harm is considered to be low.

The public benefits arising from this scheme are very limited and their scale is also considered to be low. However, on balance, it is concluded that the benefits arising from this case would marginally outweigh the harm which would result. On balance therefore, approval is recommended.

In addition to the above, it is also considered that the proposal would be an improvement from the previous building that occupied the site (Queensway House), which was out of keeping with the character of the area.

In conclusion, the less than substantial harm to the setting of the listed building and the Conservation Area has been minimised where possible. Furthermore, given the low level of less than substantial harm identified, and the improvements from the previous development on site,

it is considered on balance that this harm would be outweighed by the public benefits. The benefits, as mentioned above, include the provision of affordable properties along with the provision of new dwellings to make a small contribution to the Council's five year housing land supply. Therefore the proposal complies with the NPPF and Policy HE1 of the Local Plan.

### **Siting and Design**

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1 and the Council's Good Design Supplementary Planning Document (SPD) but also paragraphs 130 and 134 of the NPPF.

The wider area consists of a mixture of property types including bungalows, detached and semi-detached dwellings in a variety of ages and also some commercial properties. The existing street scene is also a mixture of brick and rendered properties. The majority of neighbouring dwellings are more traditional in appearance due to the close proximity to the Conservation Area.

The proposed new dwellings would have a mixture of designs. The application proposes 1 detached two storey dwelling (Plot 1), one detached bungalow (Plot 2) and two sets of semi detached dwellings (Plots 3, 4, 5 and 6). All of the properties vary in character and appearance from one another.

The Council's Urban Designer has recommended some minor alterations including changes to some roof pitches, increasing the size of the proposed chimneys and enhancing some window details. These amendments are being discussed with the applicant at present to help enhance the visual amenity of the application site. The outcome of the amendments will be presented to the committee.

The existing application site has considerable land level differences with land levels rising from a north-west to south-east direction and also rising from a south-west to a north east direction. The existing application site also contains a large retaining wall along the north-west boundary (adjacent to No.4 Queens Street) due to these level differences. The submitted plans include cross section details that show new retaining walls along the sides of plots 3 and 4 which are well integrated into the site and would not result in any harmful visual appearances in the street scene.

During the course of the application amended plans have been provided to reduce the number of proposed dwellings from 7 to 6 which has reduced the density of the application site to be more in keeping with the character of the area. The overall plot sizes, floor area and height of the proposed new dwellings would also be comparable to surrounding neighbouring properties.

Furthermore, the proposed footprint of each property would be at least equal to the size of its respective private garden area. This would therefore comply with the Council's Good Design SPD.

It is noted that the proposal includes tandem parking which is not the Council's preferred type of off street parking as advised in the Council's Good Design SPD. However, the design includes an almost equal ratio of landscaping to parking and hardstanding which softens the appearance of the frontage of the new development and accords with the aims of the Council's Good Design SPD.

In addition to the above, it is also considered that the proposal would be an improvement from

the previous building that occupied the site (Queensway House), which was out of keeping with the character of the area.

Overall the proposed development accords with the general siting and scale of existing dwellings within the vicinity, the development appears in keeping with the scale and character of existing dwellings and the design approach is considered acceptable. Therefore, the proposal is considered to be in accordance with Policy D1 of the adopted Local Plan, the Council's Good Design SPD and the advice contained in the NPPF.

### **Impact upon Residential Amenity**

It is noted that No.4 Queens Street will be demolished as part of this scheme. As such the residential dwellings most immediately impacted upon as a result of the proposal would be No.2 Queens Street to the south-east of the application site, No's 9, 11 and Brookfields House, Queens Street to the south-west, No's 6, 8, 10 and 12 Queens Street to the north west and finally the adjacent dwellings being constructed under approved application 17/01053/FUL.

With regard to No's 9, 11 and Brookfields House Queens Street to the south-west, No's 6, 8, 10 and 12 Queens Street to the north west, these properties are located on the opposite side of the roads to the application site. Given that the public highway would be located between these properties and the proposed development this would reduce any impacts on neighbours. Furthermore, these neighbouring dwellings would be at least 20 metres away from the proposed new dwellings. This would accord with the separation distances set out within the Council's Good Design Supplementary Planning Document (SPD) and therefore the development is not considered to adversely impact on the residential amenities of these properties.

It is considered that No.2 Queens Street would be the closest neighbouring property to the proposed development with it falling within approximately 12 metres of Plot 6. It is noted that there are no first floor windows on the north-east side elevation of Plot 6. Additionally the closest first floor window on the front elevation would be obscured glazed as it serves a bathroom. On that basis it is considered that the development would not result in any harmful levels of overlooking of No.2 Queens Street or its private garden.

To the northern boundary of the application site another residential development has commenced (17/01053/FUL) for 7 dwellings. The proposed application has been considered against the approved layout for the adjacent development and the dwellings in this application would be well distanced from the adjacent development. It is not considered that there would be any harmful overlooking, overbearing or overshadowing impacts on the adjacent development approved under application 17/01053/FUL.

Furthermore, the proposed layout of the new dwellings would ensure that they do not adversely impact on each other. Each plot is compliant with the Council's Good Design SPD in terms of distancing. It is noted that the application site currently has variations in land levels and this will result in some larger retaining walls being retained for the boundaries of Plots 3 and 4. Notwithstanding this the levels are considered to be extreme and would not result in any harmful amenity impacts to either the proposed new dwellings or surrounding neighbouring properties.

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

## Highway Considerations

The site is located on Queens Street, an unclassified road subject to a 30mph speed limit.

Each of the proposed new dwellings would have their own driveways and off street parking. The application has been amended since the original submission in order to address some highways concerns regarding the location of access points for some of the plots. The County Highway Authority (CHA) previously had concerns regarding the access serving Plot 1 due to its close proximity to an adjacent approved residential scheme (17/01053/FUL), which is served by a private access road. This access has since been amended and whilst the positioning of the access over the turning head is not ideal, this does allow for greater visibility than previously proposed.

The Applicant has not demonstrated either vehicular or pedestrian visibility splays, however, the CHA have advised that the 85th percentile speeds will be low. The submitted drawings indicate low level planting at the north eastern extent of the turning head, in the vicinity of the access to 17/01053/FUL. The CHA is satisfied that suitable pedestrian and vehicular visibility splays could be achieved, providing the landscaping is below 0.6m in height. As no further detail regarding landscaping has been submitted, this can be dealt with by way of planning condition.

The access associated with Plot 2 is also not ideal given the turning head. However, on balance of the relatively low vehicular movements, associated low speeds, and forward visibility of approaching pedestrians, the CHA advise that this is acceptable on the basis that no boundary treatment is proposed which could obstruct visibility.

The access serving Plot 3 has also been relocated to address highway concerns. The CHA is now satisfied that suitable vehicular and pedestrian visibility can be achieved, however, this will be subject to a suitable landscaping design ensuring that the hedge fronting Plot 2, and the proposed low level boundary wall, do not restrict visibility. As outlined above, there should be no obstruction above 0.6m in height within any visibility splay.

The parking associated with Plots 4 and 5 is also considered to be acceptable provided that boundary treatments and soft landscaping do not obstruct visibility splays. These details can be secured via a condition.

The CHA previously raised concerns regarding the positioning of the vehicular access associated with Plot 6. Whilst this access has not been amended, it is accepted that this is an existing access that was previously used for the Queensway House building prior to its demolition. The CHA are of the opinion that the proposals do not represent an intensification of the site's previous use. In addition, it is noted that there have been no recorded personal injury collisions in this location. This is therefore acceptable.

It was also previously noted that the access for Plot 6 would require vehicles to cross a small section of third-party land. Notwithstanding this, the applicant has submitted a title plan to the CHA which shows that the small section of third-party land is still within the applicant's control. Notwithstanding this, if vehicular access to Plot 6 was not achievable, then the CHA have confirmed that they would not consider this alone to be reasonable grounds for refusal of the application.

Objections have been raised by members of the public and the Parish Council regarding existing parking problems in the area and raising concerns that this development will exacerbate

on-street parking demand. It is noted that there are parking restrictions in the wider area and this encourages more off street parking to take place in areas such as Queens Street where there are not so many restrictions. Notwithstanding this the CHA are satisfied that the loss of the existing parking area and the impacts of any displaced parking onto the surrounding highway would not cause severe harm to the highway network in this location. As such a reason to refuse the application on highway safety or parking capacity grounds could not be justified.

Overall, therefore, the highway safety aspects of the scheme are considered to be acceptable. The proposal is considered to comply with the aims of Policies IF4 and IF7 of the adopted Local Plan and the LHDG.

### **River Mease Special Area of Conservation/SSSI - Habitat Regulations Assessment**

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

As a result of the proposed development there could be an impact on the River Mease SAC, which may undermine its conservation objectives, from an increase in foul and surface water drainage discharge as well as due to its proximity to a tributary of the River Mease. Therefore an appropriate assessment of the proposal and its impacts on the SAC is required.

The River Mease Developer Contribution Scheme First and Second Development Windows (DCS1 and 2) have been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). Both DCS1 and DCS2 are considered to meet the three tests of the 2010 CIL Regulations and Paragraph 177 of the NPPF. DCS1 was adopted in 2012 and DCS2 was adopted by the Council on 20 September 2016 following the cessation of capacity under DCS1, although there is now no longer any capacity available under DCS2.

The application site previously consisted of a large care home known as Queensway House which was demolished a few years ago. The former Queensway House comprised of 15No. 1-bedroom dwellings and 1No. 2-bedroom dwelling. Based on a foul discharge rate of 140.4 litres per day for a 1-bedroom dwelling and 206.4 litres per day for a 2-bedroom dwelling, this creates a total foul discharge rate of 2312.4 litres per day.

No. 4 Queen's Street is proposed for demolition as part of the proposal. (Please note that this dwelling has not yet been demolished.) This existing dwelling has 2 bedrooms and, therefore, a total foul discharge rate of 206.4 litres per day.

The combined foul discharge rate of the former Queensway House and No. 4 Queen's Street totals 2518.8 litres per day.

The applicant has provided information to show the estimated foul discharge from the proposed 6 new dwellings which concludes that the new development would discharge 1244.4 litres per day. As such the proposed total foul discharge from the site does not exceed that of the former Queensway House and No. 4 Queens Street (2518.8 litres per day). There would actually be an overall decrease of 1274.4 litres per day being discharged from the site. Therefore this application would not increase the foul drainage discharge from the site and would not adversely impact on the SAC.

Natural England have previously raised some concerns regarding the length of time between the previous building being demolished and the new development being erected. However they

now have no objections to the proposal given that it can be demonstrated that there has always been a long term intention to redevelop the application site as part of an ongoing project. In these circumstances it could be reasonably concluded that the new development could be offset against what was previously built on site (prior to its demolition).

Insofar as surface water is concerned, it is considered that an appropriate condition to secure disposal of surface water runoff to a sustainable drainage system would ensure that no adverse impacts would arise. On this basis, compliance with the proposed condition would ensure that surface water run-off from the site would not adversely impact on the integrity of the River Mease SAC.

In March 2016 at Severn Trent Water's Measham Treatment Works, capacity was available for 702 dwellings but this is reduced by the number of dwellings that already have consent or are under construction at March 2016 (51) and a further 89 which have subsequently been granted permission or have a resolution to permit in place, giving capacity for 562 dwellings. As such it is considered that capacity is available at the relevant treatment works for the foul drainage from the site.

In view of the above, it is considered that the submitted information demonstrates that the long term intentions were to redevelop the site and therefore it is reasonable to conclude that the new proposal could be offset against the originally build development on site. Given the figures listed above it is considered that there would not be an increase in foul drainage from the previous to the proposed developments.

On the above basis, it is considered that foul drainage discharge from the proposed new dwellings on the site would not adversely impact on the integrity of the River Mease SAC.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitat Regulations 2017, the NPPF and Policies En1 and En2 of the North West Leicestershire Local Plan.

### **Land Contamination**

The Council's Environmental Protection Land Contamination Officer has requested that conditions be imposed requiring a risk based land contamination assessment. Subject to these conditions the development would accord with Policy En6 of the adopted Local Plan and paragraphs 183 and 184 of the NPPF regarding land and air quality.

### **Ecology**

The County Ecologist have no objections to the application. They have recommended that some swift boxes be integrated in the development, which can be secured by condition. It is therefore considered that the proposal would comply with Policy En1 of the adopted Local Plan.

### **Other**

A neighbour comment has been received regarding an open trench in the area, however it has been clarified that this is in relation to a neighbouring site so is not a matter for this application.

## Conclusion

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental design, residential amenity or highway impacts. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan, the advice in the NPPF and the Council's Good Design SPD. It is therefore recommended that the application be permitted.

## RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 Time limit.
- 2 Approved Plans.
- 3 Materials.
- 4 Levels.
- 5 Solar Panel designs
- 6 Land contamination.
- 7 Land contamination - Verification Investigation
- 8 Hard and soft landscaping and boundary treatments.
- 9 Obscure glazing.
- 10 Highways - access.
- 11 Highways - visibility splays.
- 12 Highways - Drainage.
- 13 Highways - Parking.
- 14 Highways - No gates or barriers.
- 15 Highways - Surfacing.
- 16 Swift boxes