

Erection of one detached dwelling and associated garage  
(outline - details of access included)

Report Item No  
A2

Land Adjacent To 37A Church Street Appleby Magna  
Swadlincote Derby DE12 7BB

Application Reference  
20/01118/OUT

Grid Reference (E) 431467  
Grid Reference (N) 309685

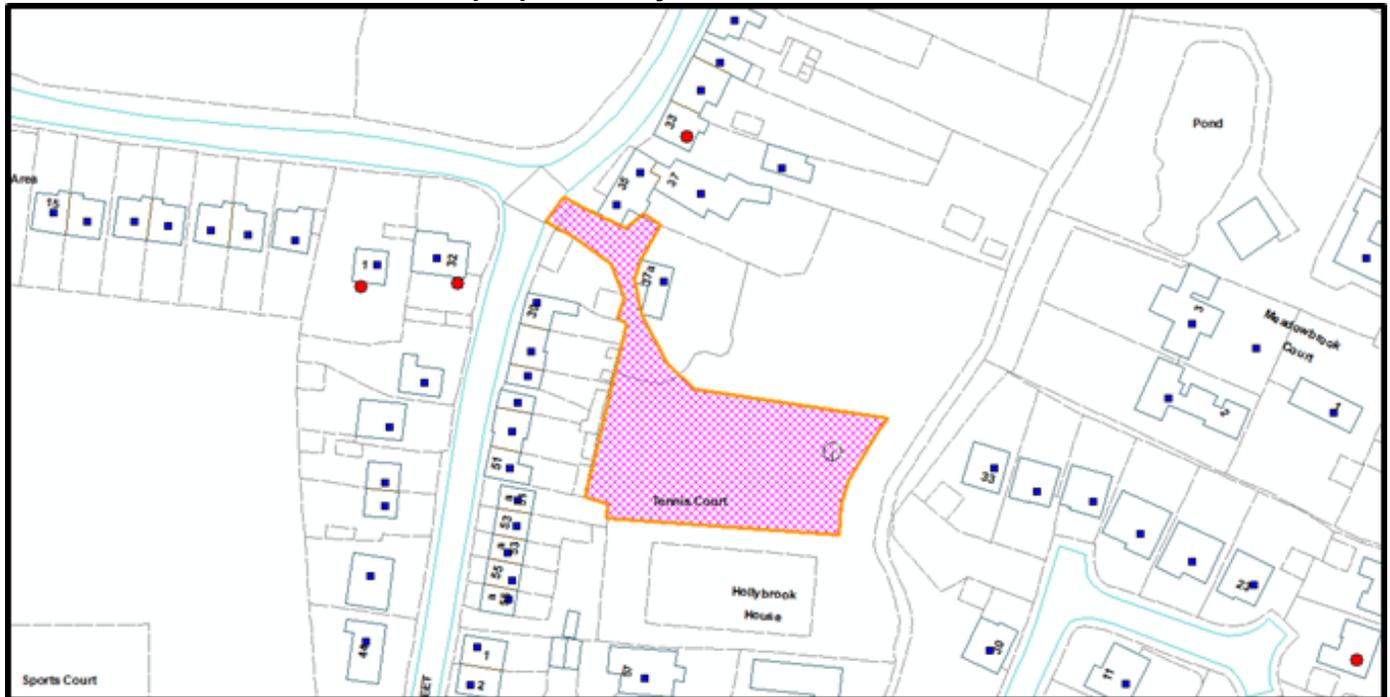
Date Registered:  
3 August 2020  
Consultation Expiry:  
22 March 2022  
8 Week Date:  
28 September 2020  
Extension of Time:  
None Agreed

Applicant:  
Mr And Mrs Dash

Case Officer:  
Sarah Booth

Recommendation:  
PERMIT

Site Location - Plan for indicative purposes only



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### **Call In**

This application has been brought to the Planning Committee at the request of Councillor Blunt due to concerns with impacts on residential amenity, the Conservation Area, flooding and highway safety.

### **Proposal**

Outline Planning permission is sought for the erection of one detached dwelling and a garage, with only access for approval at this stage.

### **Consultations**

A total of 10 letters of neighbour representation have been received, 9 were received at the time the application was originally submitted and 1 has been received following a reconsultation on amended plans. Concerns have also been raised by Appleby Magna Parish Council in relation to highway safety, impacts on the Conservation Area and flooding. Comments have also been raised by the Council's Conservation Officer 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, highway safety, the River Mease SAC, ecology, flooding, trees or archaeology. 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. Whilst concerns have been raised by objectors regarding a range of issues, having regard to the supporting information submitted with the application and the advice of statutory consultees, it is considered that there are no technical issues that would indicate that planning permission ought to be refused. It is therefore recommended that the application be permitted, subject to the imposition of planning conditions and the completion of a legal agreement.

**RECOMMENDATION- PERMIT, subject to a legal agreement, and 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

Outline planning permission is sought for the erection of one detached dwelling and associated garage on garden land adjacent to 37A Church Street, Appleby Magna. The only matter sought for approval at this stage is access. The appearance, scale, layout and landscaping would be dealt with at reserved matters stage.

The site is located within Limits to Development and is within the Appleby Magna Conservation Area. The site is also within the River Mease Special Area of Conservation (SAC) and part of the site falls within Flood Zones 2 and 3.

Amended plans have been received during the course of the application to reduce the number of new dwellings from 2 to 1 in order to address highway safety concerns.

Additionally, the applicant has also agreed to revoke a previously granted planning permission for a development within the wider site and this would be secured by way of a legal agreement. Planning permission (19/00406/FUL) was granted for the conversion of two outbuildings, including extensions and associated works, to create one dwelling. This permission has not yet commenced on site, however it is still within time for this permission to be implemented. It is proposed to revoke this previous application in the interests of highway safety as this would ensure that there would not be a net increase in the number of dwellings using the existing access. This will be considered further in the highway safety section of this report.

In addition to the above, a legal agreement would also be required in accordance with DCS2 to secure a developer contribution to offset the impact of the development on the River Mease SAC. The legal agreement would be secured prior to any decision for the current application being issued.

The main matters for consideration in this application are impacts on design, heritage, residential amenity, the River Mease SAC, highways safety, ecology, flood risk, protected trees and archaeology.

#### Recent Planning History

19/00406/FUL Conversion of outbuildings to form one dwelling, including extensions and associated works PER 13.02.2020

19/00403/OUT Erection of two detached dwellings and associated garages (outline - details of access included) WDN 18.04.2019

04/01369/FUL Erection of detached garage block/tractor shed/workshop PER 18.10.2004

04/00347/FUL Erection of detached garage block WDN 26.04.2004

### 2. Publicity

21 neighbours notified.

Site Notice displayed 11 February 2022.

Press Notice published Burton Mail 12 August 2020.

### 3. Summary of Consultations and Representations Received

**Appleby Magna Parish Council** - raise concerns with regard to the access to the site, the impacts on the Conservation Area and flood risk.

**Conservation Officer NWLDC** - Has raised comments about the location of the proposed dwelling.

**County Highway Authority** - Initially raised concerns but on the basis of amended plans they have no objections subject to conditions and the completion of a legal agreement to revoke a previous planning permission.

**No objections from:**

NWLDC Environmental Protection  
NWLDC Tree Officer  
NWLDC Waste Service  
Historic England

**No objections subject to conditions / note to applicant:**

Leicestershire County Ecology  
Severn Trent Water  
Environment Agency  
County Archaeologist

**Third Party Representations**

10 letters of representation have been received from members of the public. 9 were received at the time the application was originally submitted and 1 has been received following a reconsultation on the amended plans. These are summarised below:

- Highway safety / congestion / local parking problems / number of vehicle movements.
- Lack of vehicular visibility / substandard access.
- Access not wide enough for emergency vehicles.
- Impacts on pedestrians, school children and road users.
- Inaccuracy of details for the site's access onto Church Street.
- Impacts on the Conservation Area.
- Impacts on boundary walls that have heritage interest.
- Position of the dwelling.
- Development on a floodplain.
- Overdevelopment of Appleby Magna.
- No need for this property.
- residential amenity impacts - primarily relating to one of the dwellings that has now been removed from the application.
- Development of a greenfield site.
- Bins will need to be collected from Church Street.
- Impacts on the environment and ecology.

*The following matters are not material planning considerations:*

- Disruption and damage to neighbouring properties from construction works.
- Severed access to the existing private tennis court on site.

## 4. Relevant Planning Policy

### National Policies

#### National Planning Policy Framework (2021)

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

Paragraphs 9 and 10 (Achieving sustainable development);  
Paragraphs 11 and 12 (Presumption in favour of sustainable development);  
Paragraphs 38, 44 and 47 (Decision-making);  
Paragraphs 55 and 56 (Planning conditions and obligations);  
Paragraphs 60, 69, 74, 75 and 79 (Delivering a sufficient supply of homes);  
Paragraphs 107, 110, 111 and 112 (Promoting sustainable transport);  
Paragraphs 119, 120 and 124 (Making effective use of land);  
Paragraphs 126, 128, 130 and 134 (Achieving well-designed places);  
Paragraph 152, 154, 157, 159, 161, 162 and 167 (Meeting the challenge of climate change, flooding and coastal change);  
Paragraphs 174, 182, 183, 184, 185 and 186 (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 following policies of the adopted Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

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  
He1 - Conservation and enhancement of North West Leicestershire's historic environment  
CC2 - Water - Flood Risk  
CC3 - Water - Sustainable Drainage Systems

#### Other Policies / Guidance

National Planning Practice Guidance  
Good Design for North West Leicestershire Supplementary Planning Document - April 2017.  
Leicestershire Highways Design Guide (Leicestershire County Council).  
Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act).  
The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').  
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).  
River Mease Water Quality Management Plan - August 2011.  
National Design Guidance - Oct 2019.  
Appleby Magna Conservation Area Appraisal (2001).  
The Appleby Magna Village Design Statement.

## 5. Assessment

### Principle of Development

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

Neighbour concerns have been raised regarding the principle of the development and the overdevelopment of Appleby Magna, however the site is located within Limits to Development as defined by the adopted Local Plan where the principle of development is acceptable. Policy S2 defines Appleby Magna as a 'Sustainable Village' which is supportive of a limited amount of growth, within the defined Limits to Development.

Given that the proposed development would only create one additional dwelling, and that it would be within limits to development, it is considered that the limited scale of the proposed development would not lead to overdevelopment of the settlement of Appleby Magna.

As the application site is within the defined Limits to Development and as this proposal is for residential development, it would accord with Policy S2 of the adopted Local Plan.

### Historic Environment

Concerns have been raised by members of the public and Appleby Magna Parish Council with regard to the development's impact on the Conservation Area, this will be considered in the section below.

Section 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 the character and appearance of a Conservation Area when considering whether or not to grant planning permission for development. It is also important to assess the proposal against heritage guidance in the NPPF particularly paragraphs 197 and 199.

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

It is noted that there is an ancient scheduled monument located approximately 100 metres to the north-east of the application site. It is not considered that the proposed development would significantly or adversely impact on the setting of the ancient scheduled monument owing to the separation distance and the application site's location to the rear of properties on Church Street.

The Conservation Officer has been consulted on this application and has highlighted that the Appleby Magna Conservation Area Character Appraisal concludes that the application site was included in the Conservation Area because of its open nature. The Appleby Magna Village Design Statement also identifies the application site as important for its undeveloped nature.

It is proposed to erect one detached house. The Conservation Officer has commented that the submitted indicative site plan could potentially intrude into what is described as the "vista protection zone" which is the more sensitive area within the site where development could be viewed from the public highway. The Conservation Officer has advised that the development should preserve the site's open nature.

Notwithstanding the Conservation Officer's comments, the siting, scale, appearance and design would only be assessed at reserved matters stage. Given the generous size of the plot it is

considered that the proposed dwelling could be located in a less prominent position. The Conservation Officer has also acknowledged that plans submitted at earlier stages in this application demonstrate that development could be possible whilst also maintaining the views across the site to the south-east. Taking this into account it is considered that a suitable scheme could be achieved in a subsequent reserved matters application.

A member of the public has raised concerns with heritage impacts from the development on the boundaries of No.39 Church Street, which they have described as a building of historical interest. No.39 and its boundaries are not listed and are not one of the Council's locally listed assets. The application does not include works to the existing walled boundaries, however boundary details can be secured at reserved matters stage. Furthermore, the Conservation Officer has raised no concerns with the impacts on No.39 Church Street.

In view of the above, at this outline stage, it is considered that it would be possible to site a new dwelling in this location without resulting in harm to the character of the Conservation Area. Therefore the proposal would comply with the aims of the NPPF, Policy HE1 of the Local Plan, the Appleby Magna Conservation Area Appraisal and the Appleby Magna Village Design Statement.

### **Design and impact on character of the area**

Neighbour concerns have been raised with the location and positioning of the proposed dwelling and over development of the site. This outline application only seeks approval for access at this stage. As such, the location, scale and appearance of the property would be determined in a subsequent application for reserved matters. The following will assess the overall principle that a suitably designed property could be provided on this site.

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 SPD but also paragraphs 130 and 134 of the NPPF.

The application site is within the garden of an existing property. The site is part of the village settlement and is located behind other dwellings on Church Street. Depending upon the exact siting of the new dwelling, it could be visible from the public highway at the access point to the site when looking in a south-eastern direction.

It is noted that there is a public footpath located 130 metres to the north-east of the application site. However, the site is well screened by a boundary of mature trees in this direction and therefore views would not be prominent in this direction.

In some cases, where it is proposed for new dwellings to be located behind the existing dwelling this can result in what is known as 'backland' development, which has the potential to be harmful to the character of surrounding development in the area. With regard to this application, it is noted that new dwellings have been granted in recent years on land directly to the south of the application site where they are also set back behind other properties. On that basis a new dwelling located on the proposed application site would be in keeping with the character of the area.

The neighbouring concerns about overdevelopment of the site have been taken into consideration. The National Planning Practice Guidance advises that building to plot ratio measurements can help to compare the density of development on different sites. On average the surrounding neighbouring properties in this location have a building to plot ratio of between 30 - 40%. On the basis of the indicative site plan the proposal would be approximately 10%,

which is far less dense than surrounding plots. Whilst this would have to be confirmed in a reserved matters application, the plot in this case is generously sized and therefore proposal would have a lower density than surrounding properties. On this basis the site is not considered to be overdeveloped.

Furthermore, it is considered possible for the proposed dwelling to have a footprint that would be at least equal to its outdoor amenity space, as recommended in the Council's Good Design Supplementary Planning Document (SPD). As such the proposal is not considered to result in overdevelopment of the site.

Based on the indicative layout, it appears possible that the site could accommodate all of the necessary requirements including a private garden, landscaping, parking/turning space and bin storage for both the new dwelling as well as the existing dwelling, without being cramped.

Therefore, it is considered that the proposal would not result in any harmful impacts to the character or appearance of the local area. As such, the development would accord with Policies He1 and D1 of the Local Plan, the Good Design SPD and paragraph 130 and 134 of the NPPF.

### **Impact upon Residential Amenity**

Neighbour objections have been received during the course of the application with regard to impacts on neighbouring residential amenity. Most objections were received prior to the latest amended plans, which reduce the number of dwellings from two to one. The following will assess all impacts on the residential amenity of neighbouring properties, with regard to the latest amended plans.

Given that this outline application only seeks approval for access, there are only limited matters to assess at this stage with regard to neighbouring impacts because it is not known where the property would be sited or its scale. These matters would be dealt with in a reserved matters application. Notwithstanding this the principle impacts on residential amenity will be considered below.

The application site is bordered by a number of residential properties. Firstly, the access drive is adjacent to No's 35, 37 and 39 Church Street, as well as the applicant's own property No.37a Church Street. Whilst it is noted that there would be cars using the access at the front of the site no objections have been received from the Council's Environmental Protection Team with regard to noise and disturbance concerns. Furthermore, the Highways section of this report will explain that this application also proposes to revoke a previous planning permission (19/00406/FUL) for this site which granted the residential conversion of outbuildings to the site frontage. This would ensure that there would not be a net increase in the number of dwellings that would use the access.

In addition to the above, No's 35 and 37 Church Street would be separated from the proposed development by the intervening existing property (No.37a). As such it is not considered that these dwellings would be adversely affected by the proposal.

The application site is bounded by a row of neighbouring properties that front Church Street, this includes 39, 41, 43, 45, 47, 51, 51A, 53, 53A, 55, 55A. According to the indicative site plan the proposed new dwelling could be sited at least 10 metres from the rear garden boundaries of these neighbouring properties and at least 20 metres from the rear elevations of the neighbouring dwellings. As such, it is considered that a detailed scheme at reserved matters could be achieved that would accord with the aforementioned separation distances as per the Council's Good Design SPD. This would thereby prevent any detrimental impacts to neighbour's

residential amenity.

With regard to impacts on the existing dwelling No.37a, it is considered that the proposal could be sited in a location that would provide a suitable distance to prevent any adverse overshadowing impacts. The proposed property could also be orientated in the same direction as 37a and any upper floor side facing windows could be obscurely glazed. As such it is considered that the proposed development could be implemented in a way that would not result in any harmful overbearing, overlooking or overshadowing impacts to No.37a.

It is noted that there are neighbours to the east of the site such as 33 Didcott Way, however the neighbouring properties in this direction would be approximately 50 metres from the proposed development and would be separated from the new dwelling by a brook and boundary trees. Additionally properties to the south of the application site would be at least 30 metres from the application site and would be separated by an existing private tennis court that would be retained by the existing property No.37a. As such it is not considered that properties to the south or east would be adversely affected.

Overall, it is considered that a scheme at reserved matters could be achieved that would not result in detrimental 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**

Members of the public and the Parish Council have raised concerns with highway safety matters including pedestrian safety, visibility, access, congestion, local parking problems and the number of vehicle movements. These matters will be considered in the section below.

During the course of the application the County Highway Authority (CHA) have raised some concerns with regard to the site access because the visibility splays and the access width do not meet the criteria in the Local Highways Design Guide (LHDG). Neighbour concerns have also been taken into account, including concerns regarding parked cars and bins which can further impede visibility for this site access. Neighbour concerns regarding potential impacts on pedestrian safety have also been noted but are not considered material.

Officer discussions have taken place with the applicant and the CHA to address the above matters. Subsequently, the application has been amended and the number of dwellings has been reduced from two to one. In addition to the above the applicant has agreed to revoke a previously granted planning permission for a development within the wider site. Planning permission (19/00406/FUL) was granted for the conversion of two outbuildings, including extensions and associated works, to create one dwelling. This permission has not yet commenced on site however it is still within time to be implemented.

The outbuildings to be converted and extended are located towards the site frontage, adjacent to the access. The approved development would also include new boundary walls and parking areas to provide parking and a garden for that new unit. If this application was revoked (and secured via a legal agreement) then that would reduce the total number of dwellings that could currently use the access to the site. This would also maintain the space available within the front of the site across the main driveway, so that there would be more room for vehicles to pass each other. As such, this would enhance visibility and access width internally within the application site when compared to the arrangement if application 19/00406/FUL was implemented.

The CHA have been informed that it is the applicant's intention to revoke this previous planning

permission and that the Local Planning Authority would secure this by way of a legal agreement, prior to any decision for the current application being issued. The CHA are also aware that the proposal has been amended to reduce the proposed new dwellings in this application from two to one. On the basis of these two key factors the CHA are now satisfied that there would be no net increase in permitted dwellings using the application site's access.

The CHA have advised that the Local Planning Authority should secure the use of the existing outbuildings to ensure they would remain ancillary to the rest of the site in order to ensure there would not be excessive vehicular trips associated with the existing outbuildings. This will need to be secured by a legal agreement, which would satisfy the concerns raised by the CHA.

Neighbours have also raised concerns with what they consider to be an inaccurate account of land available at the site access. The County Highway Authority are aware of land that falls within the Highway ownership and they have taken account of resident's concerns relating to parked cars in the street which can also hinder visibility. Notwithstanding this, the CHA do not object to this application on the basis of the above.

In terms of the neighbour comments relating to the access by emergency vehicles (in particular a fire engine) it is noted that The Building Regulations 2010 Fire Safety Approved Document B: Vol 1 - Dwellinghouses Section B5 (Access and facilities for the fire service) outlines that the minimum width of a road between kerbs would be required to be 3.7 metres. However, the Association of Chief Fire Officers have outlined within Manual for Streets that such a width is required for "operating space at the scene of a fire and that to simply reach a fire the access route could be reduced to 2.75 metres" (Paragraph 6.7.3 of Section 6.7 Emergency Vehicles on Page 75 of Manual for Streets). In this circumstance it is considered that the narrowness of the internal access point (to 2.5 metres) would not prevent emergency vehicles from serving the proposed dwelling given that the width of site frontage access would be approximately 5 metres, which would be sufficient for operating at the scene of a fire.

Therefore, subject to the imposition of the above conditions and completion of a legal agreement, the CHA consider that the highway safety aspects of the scheme are considered acceptable. The proposal is considered acceptable in relation to the Leicestershire Highways Design Guide and Policies IF4 and IF7 of the adopted Local Plan and the Local Highways Design Guidance.

### **Flood Risk and Drainage**

Parish Council and Neighbour objections have been received with regard to the development's impact on flooding. This will be considered in the section below.

There is a brook that runs along the eastern boundary of the application site and consequently the eastern half of the application site is located within Flood Zones 2 and 3. The rest of the site falls within Flood Zone 1. The indicative site plans show the property as being located outside of flood zones 2 and 3. The applicant has provided a Flood Risk Assessment (FRA) with their application submission.

The Environment Agency have been consulted on this application and they have reviewed the submitted FRA. The Environment Agency have advised that the proposed development would meet the requirements of the National Planning Policy Framework provided that the following details are secured by conditions, which are considered to be reasonable:

- The finished floor levels should be set no lower than 87.08m above Ordnance Datum (AOD), or 150mm above external finished ground levels whichever is the greater.

- As a minimum there should be an 8 metre easement provided between any proposed built development and the top of the bank of the watercourse.
- There must be no development or ground level raising (including for the disposal of surplus excavated material), within the area classed as Flood Zone 3.
- There must be no close board fencing within flood Zone 3, however post and rail fencing is acceptable in this location. Other open style types of fencing and hedging may be acceptable but this would be subject to the details being submitted as part of any Reserved Matters or Full application.

The site is also within areas of low, medium and high risk of surface water flooding. It is therefore recommended to secure detailed sustainable surface water drainage scheme by condition to ensure that the water quality and quantity would be equivalent to that of the current run-off rate on site.

Subject to the recommended conditions it is considered that the proposal is unlikely to result in any harmful increases in flooding on the site or elsewhere. The proposal would therefore not have a significant impact on flood risk or drainage and so would comply with Policies CC2 and CC3 of the Local Plan and the aims of the NPPF.

#### **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.

Applications are allocated capacity under the DCS chronologically by the date they are submitted. This application was originally submitted in 2020 and there have been various matters to address for this site which has subsequently taken time for the application to reach a conclusion. At the time that this application was originally submitted there was capacity in DCS2 for this proposed dwelling and this has been reserved throughout the application process. As such, whilst there is no longer any capacity within DCS2 at this current time, capacity for this application has been historically reserved for this development.

This application proposes to connect to the mains sewer and the applicant has indicated they are willing to pay the required DCS contribution and the Council's solicitors have been instructed. On the above basis, compliance with the proposed legal agreement would ensure that foul drainage discharge from the site would not adversely impact on the integrity of the River Mease SAC.

The flows from the new dwelling need to be taken into account against the existing headroom at Snarestone Treatment Works, which currently has the capacity to cope with this additional dwelling.

With regard to surface water drainage it is recommended to secure a sustainable surface water drainage system by condition in the interests of protecting the River Mease SAC and to limit impacts on Flood Zones 2 and 3 as mentioned in the section above. It is also recommended to secure a construction management condition to ensure that the adjacent water course would not be contaminated during construction of the new dwelling. Subject to this condition the proposal would be acceptable and would comply with Policies CC2 and CC3 of the Local Plan.

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

### **Bin Storage and Collection**

The Council's Waste Services team advises that the waste and recycling receptacles would need to be presented adjacent to the adopted highway i.e. Church Street as per the current collection arrangements for neighbouring properties. Precise details for bin storage details would be secured at reserved matters stage.

A note to applicant could be imposed advising that residents would need to leave their bins for collection on the footway, and that Council has powers to remove the bins from the footway once emptied.

### **Ecology**

Neighbours have raised concerns that the impacts on ecology have not been considered. This matter has been assessed below.

The submitted Ecological Impact Assessment has been assessed by the County Ecologist who advises it is satisfactory. No protected species or species of note have been identified on the site and no further ecology surveys are required.

The County Ecologist has advised that a planning condition should be attached to ensure that bat and bird boxes are provided on the proposed new dwelling

On the basis of the above it is considered that protected species would not be adversely affected by the proposal and the development complies with the Habitats Regulations 2017 and Policy En1 of the adopted Local Plan.

### **Trees**

There are a group of trees within the application site that are protected by a Tree Preservation Order (Number T206), which are located to the south eastern corner of the site. The Council's Tree Officer has been consulted on this application and has advised that there appears to be sufficient space within the site to accommodate a single dwelling without any significant impacts to the existing trees.

Given that this is an application for outline permission with only access for approval at this stage there are no arboricultural objections in principle to outline consent being granted.

Tree protection measures can be secured at reserved matters stage once the scale and layout of the proposal has been established. This application is therefore considered to accord with Policy En1 of the Adopted Local Plan.

### **Archaeology**

Leicestershire County Council Archaeology have advised that they have no objections to the application subject to a condition to secure a written scheme of investigation. The applicant has agreed to this condition being attached the proposal would comply with the NPPF, Policy He1 of the Local Plan

### **Other Matters**

Neighbour concerns have been raised that the development would separate a piece of land from the rest of the site where there is currently a private tennis court. This is not considered to be a planning concern however it is highlighted that there would still remain a route at the rear of the proposed new dwelling for the existing property to access this land.

### **Conclusion**

In conclusion, the site lies within Limits to Development where there is a presumption in favour of development subject to all other matters being addressed. The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, visual amenity, the character of the Conservation Area, highway safety, ecology, flooding, protected trees or archaeology matters. The proposal would also not result in harm to the River Mease SAC. It is recommended that planning permission be granted, subject to the imposition of planning conditions and the completion of a legal agreement.

### **RECOMMENDATION- PERMIT, subject to a legal agreement covering the following points:**

- a) To revoke planning application 19/00406/FUL;
- b) To secure that the existing outbuildings would remain ancillary to the existing dwelling; and
- c) To secure a River Mease developer contribution under DCS2.

### **and subject to the following conditions**

- 1 Time limit.
- 2 Reserved Matters.
- 3 Approved Plans.
- 4 Levels.
- 5 Archaeology - written scheme of investigation
- 6 EA condition - Floor levels
- 7 EA condition - 8 metre easement from watercourse
- 8 EA condition - No ground level raising
- 9 EA condition - PD removed for new boundary treatments (Flooding reasons)
- 10 Surface water during construction
- 11 Surface water drainage scheme
- 12 Surface water management
- 13 Bird and bat Boxes
- 14 Bin storage details to be provided at reserved matters.