

Demolition of existing building and erection of 26 no. dwellings and associated infrastructure (Affordable housing to be provided within application reference 14/00444/FULM)

**Report Item No
A1**

Land Adjoining Greenacres Bosworth Road Measham Derby DE12 7LQ

**Application Reference
14/00445/FULM**

**Applicant:
Peveril Homes Limited / Shape Commercial Ltd**

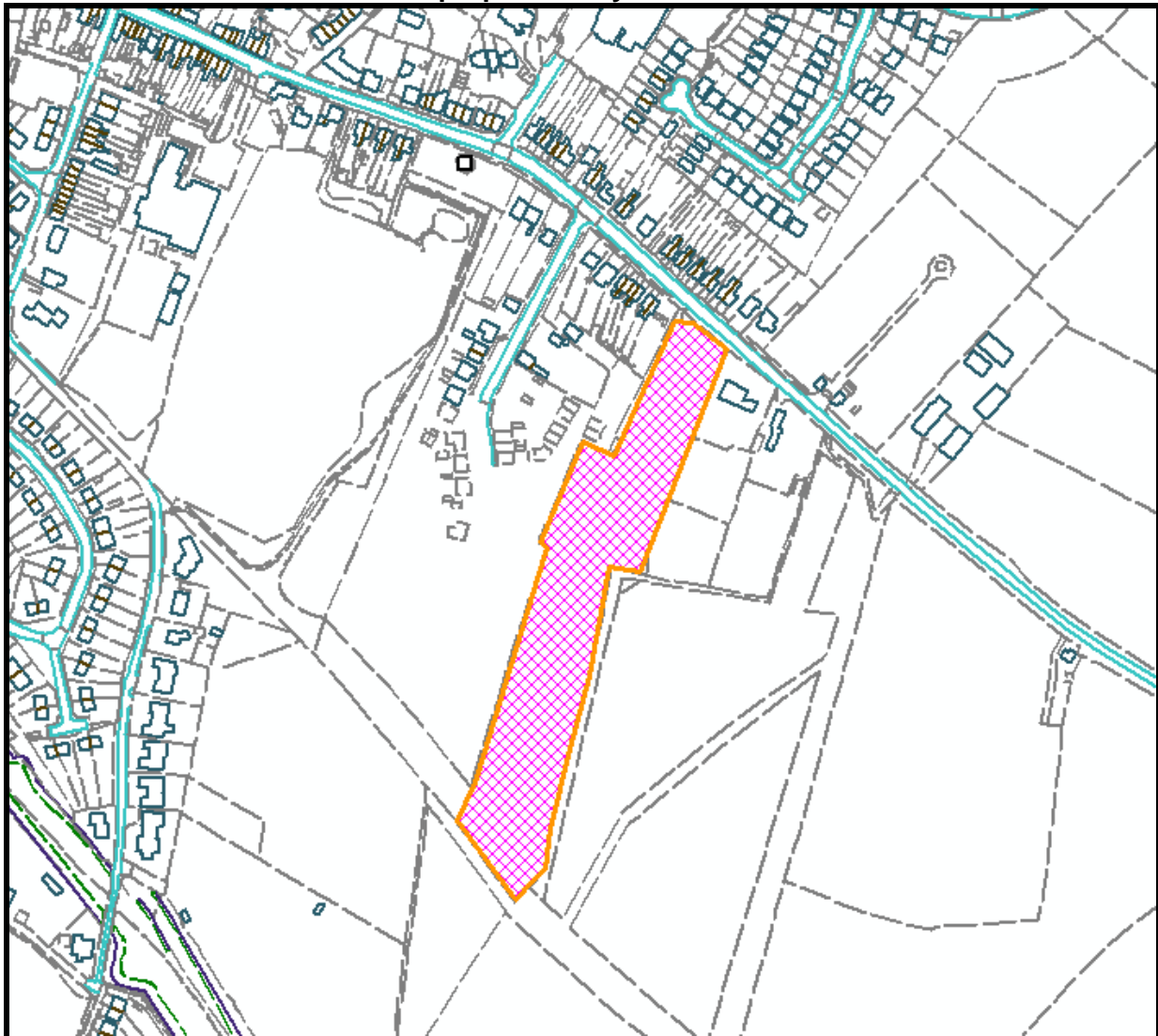
**Date Registered
10 September 2014**

**Case Officer:
Ebony Mattley**

**Target Decision Date
10 December 2014**

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

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office ©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329

Executive Summary of Proposals and Recommendation

Call In

The application is reported to the Planning Committee at the request of Councillor Sheahan as the site is outside limits to development, additional traffic on Bosworth Road, cumulative impact and prematurity and lack of clarity with the linked application ref 14/00444/FULM.

Proposal

This application seeks full planning permission for the demolition of two existing garages and erection of twenty six dwellings at land adjoining Greenacres, Bosworth Road, Measham.

Consultations

Members will see from the main report below, that with the exception of Measahm Parish Council there have been no objections from statutory consultees. There have been five letters of representation, from four addresses.

Planning Policy

The application site lies outside the Limits to Development of Measham, as defined by the proposals map of the adopted Local Plan.

Conclusion

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area, ecology or protected species or highway safety and would not be likely to have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies.

RECOMMENDATION:- PERMIT, SUBJECT TO A LEGAL AGREEMENT, AND SUBJECT TO THE IMPOSITION OF CONDITIONS

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

This application seeks full planning permission for the demolition of two existing garages and erection of twenty six dwellings at land adjoining Greenacres, Bosworth Road, Measham.

The scheme originally sought consent for the erection of thirty four dwellings, however following layout concerns raised by officers, the number of residential units has been reduced to twenty six. The open market dwellings are comprised of dwellings of two, three and four bedroomed configuration.

This application is only linked to application ref: 14/00444/FULM (New Street, Measham) by virtue of the affordable housing provision. Application 14/00444/FULM proposes to provide the affordable dwellings for this development, on a separate site, at New Street, Measham. In the event of this application being approved, the two applications would be linked by way of legal agreement to ensure that the affordable dwellings would be provided, in conjunction with this open market dwelling scheme.

Access to the site would be from Bosworth Road to the north of the site. The scheme proposes a large area of landscaping to the south of the site, with an attenuation pond and pumping station. Linear areas of landscaping are also proposed to the east and west peripheries of the site, with smaller pockets throughout the scheme.

During the course of the application the following amendments have been submitted:-

- Changes to house and garage types
- Increased parking provision
- Additional tree planting
- Variation in hard surfacing
- Revised Flood Risk Assessment
- Tracked vehicular drawings

Re-consultation has been undertaken with all neighbours and statutory consultees for a period of 21 days.

Following comments raised by the Council's Tree Officer in respect of the proximity of tree T5 and plot 24, and requests by the Council's Urban Design Officer to improve the external chimney stacks on plots 1 and 2 and alterations to boundary treatments across the three frontage plots, amended plans have been received to address these specific concerns.

Public Footpath P85 is on the route of the former railway line to the south and a pedestrian link is proposed to the rear of the site to link with this footpath, in addition to a pedestrian and cycle link proposed to the adjacent development to the west.

The site of 1.5 hectares has been used as grazing land and is located outside Limits to Development, as identified in the North West Leicestershire Local Plan 2002.

The application is accompanied with an Ecological Appraisal, an Arboricultural Report, a Flood Risk Assessment, a Geo-environmental Report, a Design and Access Statement, a Statement

of Community Involvement and a Planning Support Statement.

Planning History:-

At present the affordable dwellings are proposed to be provided on the New Street, Measham site ref: 14/00444/FULM.

14/00444/FULM- Erection of 22 affordable dwellings, access and associated infrastructure - Pending Consideration.

There is other older planning history on the site from 1977 to 1998.

2. Publicity

35 no. neighbours have been notified (Date of last notification 13 February 2015)

Site Notice displayed 17 February 2015

Press notice published 25 February 2015

3. Consultations

Measham Parish Council consulted 2 October 2014
County Highway Authority
Environment Agency
Severn Trent Water Limited
Head of Environmental Protection
Natural England
NWLDC Tree Officer
LCC ecology
County Archaeologist
NWLDC Urban Designer
National Forest Company
LCC Development Contributions
NHS Leicester, Leicestershire And Rutland Facilities Managme
Building Control - NWLDC
Development Plans
Head Of Leisure And Culture
Manager Of Housing North West Leicestershire District Council
Police Architectural Liaison Officer
Head Of Street Management North West Leicestershire District
NWLDC Footpaths Officer

4. Summary of Representations Received

Statutory Consultees:

The following summary of representations is provided.

Measham Parish Council objection to the application for the following reasons:-

-The site is outside limits to development

-Traffic on Bosworth Road is a serious concern

Should the development be permitted the Parish Council would request to be party to the Section 106 Agreement in order to ensure that the village infrastructure is adequately taken care of, as facilities are running at maximum.

Severn Trent raise no objection, subject to the imposition of a condition.

Natural England raise no objection, subject to the imposition of conditions.

Environment Agency raise no objection, subject to the imposition of a condition.

National Forest requests 0.3 hectares of on-site landscaping.

Leicestershire County Council - Highways raise no objection, subject to the imposition of conditions.

Leicestershire County Council - Ecology raises no objection based upon the submission of surveys and protected species, but requests a 10 metre buffer between built development and hedgerows to the east of the site.

Leicestershire County Council - Footpaths raises no objection, subject to condition and notes to applicant.

Leicestershire County Council - Lead Local Flood Authority raises no objections.

NWLDC Affordable Housing Enabler is satisfied with the provision and tenure of the proposed affordable units proposed on the linked site ref: 14/00444/FULM.

NWLDC Urban Design Officer is satisfied with the amended layout and house types and raises no objection, subject to the imposition of conditions.

NWLDC Environmental Protection has no objection subject to a conditions requiring a risk based land contamination assessment prior to any development.

NWLDC Environmental Protection

Third Party Representations

There have been a total of five letters of representation during the course of the application (from 4 addresses)

2 letters of objection has been received raising the following concerns:-

- a) Would be more appropriate to delay this project until the Council has finalised its own development plan, to determine the location and make-up of the type of dwellings required;
- b) Will spoil view and disturb a quiet part of Measham;
- c) Construction traffic and associated dust and danger especially at school times;
- d) The layout may subsequently lead to the roads on this site being linked with those of the Pickerings development, leadings to more traffic exiting opposite 120 and 122 Bosworth Road with additional noise and light intrusion;

- e) Additional traffic will result in an extra hazard to a narrow road restricted by the current on street parking and access at Pickerings will reduce the parking available in that area;

2 letters (from the same address) have been received, the first confirming they had no objection, as such, but have concerns over protection from asbestos, privacy, noise and associated pollution during the construction period and that a boundary hedgerow could be damaged/removed.

Following re-consultation on amended plans, the second letter stated the concerns were:-

- a) The demolition of the garages will create a bio hazard and residential properties will not be protected
- b) Noise and dust pollution from the construction will be worse than that from the neighbouring development
- c) Construction traffic will be worse, as closer and parking of construction traffic is a highway safety issue
- d) Roof surface water empties into the ditch and will affect the development
- e) Previous applications have required that the boundary hedges must main at their present height
- f) The infrastructure in the area is not geared up to cope with the extra people and services will suffer even more than now.

1 letter has confirmed that they are not objecting, but have concerns due to uncertainty of how the new development will join the boundary line with the adjacent development - (David Wilson's scheme)

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

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 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.

Save where stated otherwise, the policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

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

- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 34 (Promoting sustainable transport)
- Paragraph 47 (Delivering a wide choice of high quality homes)

Paragraph 49 (Delivering a wide choice of high quality homes)
Paragraph 54 (Delivering a wide choice of high quality homes)
Paragraph 57 (Requiring good design)
Paragraph 59 (Requiring good design)
Paragraph 61 (Requiring good design)
Paragraph 64 (Requiring good design)
Flooding Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)
Flooding Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)
Flooding Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)
Paragraph 112 (Conserving and enhancing the natural environment)
Paragraph 118 (Conserving and enhancing the natural environment)
Conditions and obligations Paragraph 203 (Planning conditions and obligations)
Conditions and obligations Paragraph 204 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 - Countryside

Policy E2 - Landscaped Amenity Open Space

Policy E3 - Residential Amenities

Policy E4 - Design

Policy E7 - Landscaping

Policy E8 - Crime Prevention

Policy F1 - National Forest General Policy

Policy F2 - Tree Planting

Policy F3 - Landscaping and Planting

Policy T3 - Highway Standards

Policy T8 - Parking

Policy H4/1 - Housing Land Release

Policy H6 - Housing Density

Policy H7 - Housing Design

Policy H8 - Affordable Housing

Policy L21 - Children's Play Areas

Other Guidance

National Planning Practice Guidance - March 2014.

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.

River Mease Development Contributions Scheme - November 2012.

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 11 or more dwellings in Measham.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within Measham.

North West Leicestershire District Council Play Area Design Guidance SPG

The District Council's Play Area Design Guidance SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

6. Assessment

The main considerations with regards to this application are the principle of development, density, layout and design, impact upon residential amenity, highway considerations, protected species/ecology, drainage and flood risk, the impact upon the River Mease Special Area of Conservation/SSSI, developer contributions and other matters.

Principle of Development

Insofar as the principle of development is concerned, and 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 (2002 (as amended)).

In terms of the adopted North West Leicestershire Local Plan, the site is outside Limits to Development. Policy S3 sets out the circumstances in which development will be permitted outside Limits to Development; the development proposed would not meet the criteria for development in the countryside, and approval would therefore be contrary to the provisions of Policy S3. Notwithstanding the countryside location, and whilst the proposals would be contrary to the adopted Development Plan, in determining the application, regard must be had to other material considerations, including other policies, such as other Development Plan policies and National policies.

Housing Land Supply and Limits to Development

The NPPF requires that the Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery.

The housing supply has been assessed against the joint Strategic Housing Market Assessment (SHMA) 2014 and the Local Planning Authority is currently able to demonstrate a five year supply, including a 20% buffer. Having regard to this and the approach set out in Paragraph 49 of the NPPF, saved Local Plan Policy S3 is therefore, for the purposes of deciding this application, considered to be up-to-date in the context of Paragraph 49. However, given that

the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006), this needs to be taken into account when considering the weight to be applied to any conflict with this policy.

In addition, the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out in more detail in this report.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, 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 Measham benefits from a range of local services and is readily accessible via public transport and, in general, is considered to be an appropriate settlement for new residential development and, as a settlement, would score well against the sustainability advice in the NPPF.

Insofar as the site itself is concerned, and whilst it is located outside Limits to Development, it is considered to be well related to the existing built development. The west of the site is bound by residential development currently under construction (ref: 12/00646/FULM). To the north of the site are residential properties along Bosworth Road and the frontage of site, to the east is bound by a residential dwelling - 'Greenacres'. It is therefore considered that this site would form a natural extension, given its close proximity to existing (and approved and under construction) built development. During the course of the application, the applicant has provided an amended plan, superimposing the approved adjacent development. It can be clearly seen that the built development, proposed as part of this development, does not project any further to the south and encroach into the countryside, than the adjacent approved, residential development.

In relation to accessibility, in terms of distance to amenities, the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' details the distance of 800 metres is considered to be the preferred maximum walking distance to a town centre with 400 metres acceptable and 200 metres being desirable.

Below are the approximate distances from the site's frontage to local facilities and services via the existing footway network:-

Play area and recreation ground (Bosworth Road) - 290 metres
Primary School (Bosworth Road)- 300 metres
Public House (Bosworth Road) - 480 metres
High Street Measham - 500 metres

Measham provides a good and wide range of day to day services and facilities which meet the day-to-day needs of Measham, as well as some of the surrounding villages. This includes a primary school, a good range of shops, library, doctors, as well as leisure and recreational facilities and public houses.

When having regard to the sustainability credentials of the settlement and the site, along with

the fact that the site is well related to existing built development, it is considered that Measham is a sustainable location for the level of development proposed for this site.

It is considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan. In addition, the NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to the economic growth associated with the proposed development, together with appropriate contributions towards affordable housing would ensure that the scheme would sit well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, whilst the proposed development would result in the development of land outside of the defined Limits to Development, as set out in more detail below, the proposed development would not result in any unacceptable impacts on the natural, built or historic environment and, by virtue of its location, close to the existing built up area and associated services, and its accessibility to public transport, would perform reasonably well in terms of need to travel and the movement towards a low carbon economy.

Conclusions in respect of the Principle of Development and Planning Policy

The site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. However, given the overall conclusions in respect of whether the site constitutes sustainable development in NPPF terms, and given the need to maintain a five year supply of housing, it is considered that release of the site would nevertheless remain appropriate. Having regard to all of the above, therefore, it is considered, overall, that the proposed development of the site is acceptable in principle.

Loss of Agricultural Land

Also of relevance to the principle of releasing the site is the issue of loss of agricultural land. Whilst the site is currently in use as pasture land, the development of the site would result in an irreversible loss to a non-agricultural use.

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Having regard to the five year housing land supply issue as set out above, it would seem inevitable that greenfield land (much of which will be agricultural in terms of use) will need to be released. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC).

If considering the scenario that the land is potentially BMV land, it is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost (with medium and high impacts defined as those resulting in loss of between 20 and 50ha, and those of 50ha and above respectively). The site is approximately 1.46 hectares in size. It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process, which in this case would be small in scale but irreversible as there are no areas of open space/landscaping that would be large enough to accommodate an agricultural use in the future.

Nevertheless, even in the event that the site were to fall within Classes 1, 2 or 3a, it is not considered that the proposed development would sit particularly comfortably with the requirements of the NPPF and, in particular, the aims of paragraph 112. However, this would need to be weighed against other material considerations and, whilst there would be adverse impacts in this regard, these concerns would not be so significant as to outweigh the considerations in favour of the scheme. When considered in the context of the five year housing land supply issue, and the benefits of releasing the site to assist in maintaining such supply, it is considered that the potential agricultural land quality issue is not sufficient to suggest that planning permission should be refused, particularly given the relatively limited extent of the potential loss (i.e. 1.46 ha).

Density, Layout and Design

Density

The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances.

The application proposes 26 dwellings on a 1.5 hectare site equating to a net density of 17.3 dwellings per hectare (dph). Policy H6 requires a minimum of 40 dph in town centre locations and accessible locations and 30 dph in other locations. As the site is considered to be accessible by public transport and accessible to services and facilities, then in this case the 30 dph would be applicable.

This density at 17.3 is, however considered appropriate having regard to the location of the site on the edge of Measham and the rural character to the north and east of the site. Accordingly it is not considered that a higher density of development could be achieved on the site, without having detrimental impacts upon the proposal. Therefore, the scheme is considered to be acceptable in relation to the advice contained in the NPPF and Policy H6 of the Local Plan.

Layout and Design

The need for good design in new residential development is outlined not only in Local Plan Policy 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. Paragraph 64 of the NPPF states that planning 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.

The scheme proposes one vehicular access point from Bosworth Road which runs north to south, linear through the scheme. The access runs centrally through the upper (northern) part of the scheme, providing residential development either side.

Plots 1, 2 and 26 front Bosworth Road, with all other dwellings facing inwards addressing the internal access road, creating strong, attractive streetscenes. Plots positioned on prominent corner locations and are dual aspect designs, ensuring that there are no dull or blank frontages.

In the vicinity of the development, there are variety of style of dwellings, with traditional Victorian

semi-detached two storey dwellings, and modern detached bungalows and two storey dwellings featuring on Bosworth Road. Immediately adjoining the site to the east is a new residential development (ref: 12/00646/FULM) which consist of modern two and two and half storey semi-detached and detached properties.

In relation to the visual appearance of the built environment, the scheme proposes ten differing house types. Each house type proposes different design features such as external chimney stacks, canopies, arched headers, brick cills and other brick detailing which adds additional interest to the external appearance of the site as a whole. Following discussions with officers, during the course of the application, there have been alterations to the types of the dwellings proposed and further additional fenestration details and improvements have been made to all, including external chimney stacks and variation in materials.

With the exception of plots 1 and 2, all dwellings are detached, with varying 2,3 and 4 bedrooms configurations of 2 storey proportions, providing differing footprints and heights within the site. The development provides appropriately sized gardens commensurate to the size of the dwellings and the scale of the single and double garages are subservient in scale to the dwellings to which they serve.

Accumulatively as a result of the differing styles, features, materials and sizes it is considered that an attractive scheme would be provided.

In respect of soft landscaping, there is a strong boulevard tree lined style street in the middle section of the scheme, with tree planting proposed throughout. The level of landscaping and planting is considered appropriate to contribute to the overall 'semi rural' character of the area, softening and enhancing the appearance of the scheme and overall contributing to the visual amenity of the development. National Forest have confirmed that they are satisfied with the planting shown within the amended layout and the suggested landscaping condition.

In relation to hard landscaping, the scheme proposes two types of road surfacing and there is a mixture of parking positioning and garaging to add variation.

No representative samples of the types of materials to be used on the external elevations of the dwellings and garages have been submitted or details in respect of boundary treatments or surfacing of the roads, driveways and footpaths and it is therefore considered necessary to impose conditions to ensure that these important details will be submitted to and approved in writing by the Local Planning Authority.

The land levels vary within the site, with the levels highest at the frontage with Bosworth Road and sloping towards the rear (south of the site). Accordingly a condition requiring finished floor and road levels is recommended.

In summary, it is considered that the range of semi-detached and detached properties of 2, 3 and 4 bedroom configuration and 2 storey proportions adds interest and provides strong attractive street scenes, softened by the variation in architectural detailing, materials, surfacing, boundary treatments, trees and landscaping. As such the scheme is considered to be in accordance with Saved Policy E4 of the Local Plan and overarching intentions of the NPPF.

Impact upon Residential Amenity

The residential dwellings most immediately impacted upon as a result of the proposal would be No. 107 and 'Greenacres', Bosworth Road and properties constructed and under construction at

the adjacent residential development site, approved under application ref: 12/00646/FULM.

No. 107 Bosworth Road is located to the west of plot 1. There is a distance of approximately 15 metres between the east, side elevation of No. 107 and west, side elevation of plot 1, which is considered sufficient to ensure no significant overshadowing, loss of light, or overbearing impacts. Whilst Plot 1 proposes a first floor window, this would serve a bathroom and therefore would be obscurely glazed (to be secured by way of condition).

'Greenacres', Bosworth Road is located to the east of the garage serving plot 26. The nearest residential properties would be plot 26 located approximately 11.5 metres and plot 25 located approximately 12.5 metres away, which is considered sufficient distances away to ensure no significant detrimental impacts. Consideration has been given the positioning of windows in the rear elevation of 25, given its potential to result in overlooking. There are no first floor windows, with one window positioned at 1.5 storeys, serving a stairway. As such, it is not considered that there would be an unacceptable level of overlooking upon the rear amenity space of 'Greenacres'. Whilst the garage, serving plot 26 is located closer, this would be single storey and not habitable.

It is considered that the residential dwellings on the north side of Bosworth Road, are at sufficient distances away, complete with an 'over the road' relationship between plots 1,2, and 26 which ensures that there is no significant adverse impacts upon the occupiers of these neighbouring properties.

In respect of the adjacent, residential development to the west, residential properties to the northern part of the site, have been constructed and are occupied, with construction continuing towards the rear, south of the site.

It is considered that the residential properties most immediately impacted upon, by virtue of their distance to the proposed plots would be No's 8 and 19 Tilly Mews (both occupied). The side elevation of No. 19 Tilly Mews would be sited approximately 8 metres to the rear of plot 4, with No. 8 Tilly Mews sited approximately 12 metres to the rear of plot 5, and 5 metres to the side elevation of plot 6. These rear to side distances are considered to be sufficient in separation to avoid significant loss of light, overshadowing and overbearing impacts.

Based upon the approved layout of the adjacent development, proposed plot 9 would not be adjoined by a residential dwelling on the adjacent site, and there is a distance of 20 metres from the rear of plot 12 and 17 metres from the rear of plot 13, to the side elevations of dwellings, yet to be constructed. Proposed plot 15 would be adjoined by garaging on the adjacent site, or vice versa, as a residential property on the adjacent site would be positioned adjacent to a garage serving proposed plots 7 and 8.

In respect of impacts upon the future occupiers between the plots themselves, there is sufficient distance between the dwellings to ensure that there are no any significant overlooking, overshadowing, or overbearing impacts. Windows serving bathrooms and en-suites are to be fitted with obscure glass, secured by the imposition of a planning condition.

In summary, the proposal is considered to have minimal impacts upon amenity of existing neighbouring or future neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy E3 of the Local Plan.

Highway Considerations

Access to the site would be from Bosworth Road to the north of the site. A pedestrian link is proposed to the rear (south) of the site to link with Public Footpath P85 and a pedestrian/cycle link proposed to the west of the site, to link to the adjacent site, current under construction (approved under application ref: 12/00646/FULM).

There is a mixture of side parking and single and double detached garages. All plots have at least two car parking spaces, and during the course of the application, the level of parking provision has been increased and is in conformity with the Leicestershire County Council standards. Furthermore, following the submission of amended plans all garages have sufficient internal dimensions.

The revised layout scheme, and submission of tracked drawings have been considered by the County Highway Authority who raises no objection, subject to the imposition of conditions.

The County Footpath's Officer has requested that the proposed footpath should be provided with a stone surface and a width of 2 metres.

In summary, subject to the imposition of conditions it is considered that the scheme is acceptable in relation to Saved Policies T3 and T8 of the Local Plan.

Protected Species/Ecology

The application has been accompanied by an Ecological Appraisal, which has been considered by the County Ecologist.

The County Ecologist originally raised an objection based upon the timing of the submitted surveys, however subsequently has withdrawn the objection, upon visiting the site as the County Ecologist has accepted that it is low in species diversity.

Following the submission of amended plans, the County Ecologist has welcomed the buffer along part of the eastern hedgerow and to the most of the plantation woodlands to the east, but has requested an additional 10 metres buffer of open space alongside the woodlands due to problems of over-shading and potential future threat of removal.

It is considered that due to the constraints of the site in respect of size and linear share, proposing a buffer along the whole boundary, would result in a reduction in the number of units, further still and could compromise the layout, which has been subject to extensive scrutiny.

The scheme has been considered by the Council's Tree Officer who stated that plot 24 was re-positioned too close to an existing tree on the eastern periphery. As such the applicant has provided an amended plan showing a revised positioning of plot 24. The Tree Officer has confirmed that the layout is incompatible with trees identified as T23, T33 and T34 and that these trees would be better removed and replaced with more appropriate varieties of native tree species, and that they should not be considered as a constraint to development. In addition, the tree officer has requested the removal of T35 from the plan as it is also unsuitable for retention.

Overall it is considered that a suitable compromise has been found for this site in respect of ecology with substantial planting along the boundary with the adjoining land and a buffer along half of the sites boundary to the east. Furthermore, the Council's Tree Officer does not raise any concerns over the proximity of trees and hedgerows to dwellings and garages.

The site lies within the catchment of the River Mease Special Area of Conservation (SAC) and consideration of the potential impacts of the development on this designated site will be covered later in this report.

Drainage and Flood Risk

The site lies within Flood Zone 1 as defined by the Environment Agency as having a low probability of flooding (less than 1 in 1,000 annual probability in any year).

The scheme proposes a 300 square metres attenuation pond to the rear of the site. A pumping station is also proposed to the rear of the site, to be sited to the western periphery.

The scheme was originally considered by the Environment Agency and the Lead Local Flood Authority - Leicestershire County Council who raised objections. Accordingly during the course of the application an amended Flood Risk Assessment has been submitted and re-consultation undertaken.

The scheme has been subsequently re-considered by the Environment Agency who now raises no objection subject to the imposition of the condition requiring a surface water drainage scheme for the site.

In addition, the Lead Local Flood Authority are satisfied with the comments and condition raised by the Environment Agency and have confirmed no further information is required to be submitted.

Severn Trent Water has been consulted on the application and raise no objection subject to the imposition of a condition requiring the submission of drainage plans prior to the commencement of development.

Consideration of the capacity of STW's treatment works is set out below in the section relating to impact on the River Mease SAC.

Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required. The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

When having regard to the existing agricultural use of the site, the proposal for 26 dwellings would increase the foul drainage discharge from the site and as such it is subject to the requirements of the DCS.

The flows from the new dwellings will need to be taken into account against the existing headroom at Measham Treatment Works, which serves the Measham.

At March 2014 capacity as available for 188 dwellings but this is reduced by the number of dwellings that have consent and/or are under construction whilst also considering those which are pending consideration. Taking these into account, assuming all would be approved there would still be capacity for at worst case scenario, 39 dwellings. Accordingly a scheme for 26 residential units falls within the existing capacity levels, leaving a capacity of 13 dwellings for Measham. It is anticipated that additional capacity levels will soon be released for 2015.

Natural England has considered the scheme and raise no objections in relation to impact on the SAC/SSSI subject to conditions. Therefore based on the above it can be ascertained that the proposal site would not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Land Contamination

The application has been accompanied with a Geo-environmental report. The Council's Environmental Protection Team have raised no objections to the development with regards to ground contamination or land instability, subject to conditions.

Developer Contributions

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

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

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

Affordable Housing

Under the Council's Affordable Housing SPD, 30% affordable housing is required on sites of 5 dwellings or more, and this would equate to 8 dwellings for the current 26 no. dwelling scheme.

The applicant is currently proposing that 22 affordable dwellings be provided on a separate site, (at New Street, Measham ref: 14/00444/FULM) and request that the 8 dwellings required for this development would be provided at this site.

Accordingly at present the 22 affordable scheme, would provide an additional 14 affordable dwellings, over and above the 8 required in policy terms. Whilst the dwellings would not be provided and integrated within this site, this would be off-set by the significant over provision of affordable dwellings that would be provided.

The affordable housing site is subject to separate considerations within application reference: 14/00444/FULM. The layout and density of the New Street Measham site is currently under negotiation and the overall number of dwelling could be reduced, however this is not anticipated to be a significant reduction, and would at the very least still be capable of providing the 8 affordable dwellings, as required.

In the event of this application being approved, the intention it to link the two by way of legal

agreement to ensure that the affordable dwellings would be provided, in conjunction with this open market dwelling scheme. The intention is to allow flexibility within the legal agreement, so that for example, in the event that application ref: 14/00444/FULM was not granted planning permission, then the legal agreement would be worded in such a way to ensure that on-site provision would be required on this site.

The Council's Affordable Housing Enabler and applicant are agreeable to this approach. The applicant maintains that affordable dwellings will be provided on the New Street site.

Play Space

The Council's SPG regarding children's play areas specifies that the Council will not seek any additional provision where existing play areas, within 400 metres walking distance, satisfy the needs of the area, including the proposed development.

There would be a distance of around 290 metres between the proposed housing site and the existing children's play area and, therefore, this would be considered a reasonable walking distance in accordance with the Council's SPG. Given the size of the units proposed it is considered that these would appeal to families and given the proximity of the application site to play space, it is considered that the future occupiers would use the facilities and increase the wear and tear of the equipment and facilities on these sites.

In this instance, an existing play space would fall within 400 metres of the site and therefore a contribution in the form of a commuted sum is recommended to be secured, in lieu of the on-site provision. The request sum is based upon £1255.00 per property, so the financial contribution would be £32,640.00 based upon a five year maintenance contribution, which would be secured through the Section 106 Agreement. The applicants are agreeable to making this contribution.

Leisure

A contribution of £24,942 is requested for investment in sports facilities at the Measham Leisure Centre site. The applicants are agreeable to making this contribution. The leisure contribution remains under consideration as to whether it meets the tests pursuant to CIL Regulation 122.

River Mease DCS

A contribution under the River Mease DCS is required (as outlined earlier in the report) but an exact figure for the contribution cannot be determined at this stage, as the code levels of the dwellings has not been finalised. A Section 106 agreement would be worded as such to allow flexibility based on the construction code levels. The applicants are agreeable to making this contribution.

National Forest Company

The National Forest Company have confirmed that the requirements for this application would equate to 0.3 hectares of National Forest woodland planting and landscaping.

During the course of the application a plan has been provided showing the proposed area of landscaping, which has been considered by the National Forest Company, who are satisfied that this fulfils their requirement.

Healthcare

NHS England (Leicestershire and Lincolnshire Area) requests a developer contribution of £11,726.00 towards providing additional accommodation at the Measham practice. The applicants are agreeable to making this contribution.

Education

Leicestershire County Council is seeking the following contributions to provide additional places at the nearest schools where there is no capacity:

- a contribution of £63,398.81 for the primary school sector - Measham Primary School.
- a contribution of £47,723.42 for the upper school sector - Ashby School.

The applicants are agreeable to making this contribution.

Libraries

Leicestershire County Council is seeking a contribution of £780.00 towards additional resources at Measham Library. The applicants are agreeable to making this contribution.

Civic Amenity

Leicestershire County Council is seeking a contribution of £850.00 towards Coalville Civic Amenity site. The applicants are agreeable to making this contribution.

Highways Contributions

The County Highway Authority has also requested the following contributions to encourage sustainable travel to and from the site, achieve modal shift targets, and reduce car use:

- o Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack) and
- o Six-month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car.

The applicants are agreeable to making this contribution.

Other Contributions

No requests for contributions have been received from Leicestershire Police.

Summary

Overall, it is considered that the proposed obligations would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations, and would represent appropriate contributions towards the infrastructure and other needs of the proposed development.

The applicant has confirmed that they would be willing to enter into an agreement to secure the

above mentioned contributions, should there be a resolution to grant planning permission.

Other Matters

Letters of Representation

In respect of other objections received which have not already been addressed within the report above:-

A right to a view is not a material planning consideration.

It is considered that construction noise is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance as the Environmental Services Manager raises no issues to the development in this regard, it is not considered necessary. The Environmental Services Manager raises no issues over fumes, noise or any other pollution arising from this residential development.

There is a planning condition requiring that construction traffic will be parked within the site, during the period of construction.

The hedgerows are proposed to be retained as part of the development, however boundary treatments are proposed to be conditioned and it would be unreasonable to impose future restrictions preventing future occupiers trimming hedgerows or trees which may overhang into their curtilage, given that neither the County Ecologist nor the Council's Tree Officer has requested such measures.

A boundary dispute, is a private matter and not a material planning consideration.

Conclusion

In conclusion, the site lies within the countryside, as defined in the Local Plan. Notwithstanding the conflict with the provisions of Policy S3 of the Local Plan, given its close proximity to built development, it is therefore considered that this site would form a natural extension of the village. When having regard to the sustainability credentials of the settlement and the site, on balance, it is considered that the proposal would represent a sustainable form of development for the purposes of the NPPF, and therefore, the principle of development is considered acceptable.

The proposed development would be acceptable in terms of density, layout and design, impact on trees, residential amenities, transportation and highway safety issues, flood risk and drainage, archaeology, ecological impacts and impact on the River Mease SAC and no other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities/services.

As previous discussed, affordable housing is proposed to be provided on the linked application ref: 14/00444/FULM. In the event of this application being approved, the applications would be linked by way of a S106 agreement, to ensure that the affordable dwellings would be provided, in conjunction with this open market dwelling scheme. The intention is to allow flexibility within the legal agreement, so that for example, in the event that application ref: 14/00444/FULM was not granted planning permission, then the legal agreement would be worded in such a way to

ensure that on-site affordable provision would be required on this site.

The proposed development would, overall, therefore be considered to constitute sustainable development as defined in the NPPF and, as such, benefits from a presumption in favour of such development as set out in that document. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION, PERMIT, subject to the signing of the Section 106 Agreement, to secure affordable housing provision off-site and other infrastructure improvements and 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 The proposed development shall be carried out strictly in accordance with the following amended plans, unless otherwise required by a condition of this permission:

Site Location Plan 7059 P 02

Existing Shed 1 7059/P/26

Existing Shed 2 7059/P/27

Garages 7059/P/28 A

Garages 7059/P/29 B

Aldersbrook House Type 7059/P/100

Barnsbury House Type 7059/P/102 A

Bayswater House Type 7059/P/103 A

Grangewood House Type 7059/P/104

Lichfield A House Type 7059/P/105

Lichfield B House Type 7059/P/106

Oxford House Type 7075/P/107 B and 7075/P/108 B

Wessington House Type 7059/P/109 and 7075/P/110 A

Sherringham House Type 7059/P/111 A and 7059/P/112 A

received by the Local Planning Authority on 11 February 2015 and subsequent amended details:-

Site Layout 7059 P 01 M

Streetscene 7059 P 113 A

Belmont House Type 7059/P/101 C

received by the Local Planning Authority on 11 March 2015.

Reason: To determine the scope of this permission.

- 3 No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To determine the scope of this permission.

- 4 Notwithstanding the submitted detail, nor Condition 2 above, no development shall commence until precise details of all doors and windows (including porches and door surrounds, as well as doors to proposed garages) have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure an appropriate form of design.

- 5 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence until precise details of the treatment of verges, eaves and rainwater goods have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure an appropriate form of design.

- 6 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence until such time as precise details of all proposed chimneys have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure an appropriate form of design.

- 7 Notwithstanding the submitted plans, no development shall commence unless and until a detailed scheme of the external appearance of the proposed pumping station and programme of implementation shall first be submitted to and approved in writing by the Local Planning Authority, and the development shall be implemented in accordance with the approved scheme.

Reason: To ensure an appropriate form of design.

- 8 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence until such time as a detailed scheme for the boundary treatment of the site including the precise details of the treatment of the demarcation of all public realm facing boundaries have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details. The development hereby permitted shall not be brought into use until such time as the approved scheme has been implemented in full (unless an alternative timescale is first agreed in writing by the Local Planning Authority). Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no gates, fences, walls or other means of enclosure (other than any approved pursuant to this condition) shall be erected, unless planning permission has first been granted by the Local Planning Authority.

Reason: To preserve the amenities of the locality, in the interests of highway safety, to ensure that there is a clear and robust demarcation between public and private spaces and to ensure an appropriate form of design.

- 9 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence until such time as a detailed scheme for all surfacing of the access, driveways, parking areas and footpaths has been submitted to and agreed in writing by

the Local Planning Authority. Access drives and any turning spaces 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. The scheme shall be undertaken in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority

Reason: To preserve the amenities of the locality and to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.

- 10 No development shall commence until a detailed landscaping scheme, including tree planting, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following the first occupation of the first dwelling hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory landscaping is provided within a reasonable period and a reasonable period for the replacement of any trees and shrubs.

- 11 No development shall commence until a scheme that makes provision for waste and recycling storage across the site shall first be submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary.

Reason: To ensure that the development provides for a satisfactory form of design, in the interests of amenity.

- 12 No development shall commence until precise details of the finished ground levels on the site and the finished floor levels of the buildings in relation to an existing datum point have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: To ensure the development takes the form envisaged by the Local Planning Authority.

- 13 The windows serving bathrooms, en-suites and WCs shall be glazed with obscure glass to Pilkington Standard 3 (or equivalent) and shall thereafter be retained unless planning permission has first been granted by the Local Planning Authority.

Reason: To ensure that the development is not detrimental to the privacy and amenities of the existing and future occupiers.

- 14 Notwithstanding the provisions of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the dwelling hereby permitted shall not be enlarged, improved or altered, nor shall any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse be provided unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain control over future development in view of the form and density of the development proposed.

- 15 Utility boxes shall be painted black, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure an appropriate form of design.

- 16 No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year plus 30% (for climate change) critical rain storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- a) Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
- b) Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- c) Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
- d) Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
- e) Details of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

Reason: To ensure the development is provided with a satisfactory means of drainage and to prevent the increased risk of flooding, both on and off site.

- 17 No development shall commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of foul water drainage.

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

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

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

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

If, during the course of development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

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

- 19 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:
 - a) Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
 - b) Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
 - c) 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;
 - d) Contain Test Certificates of imported material to show that it is suitable for its proposed use;
 - e) Demonstrate the effectiveness of the approved Remedial Scheme; and

- f) 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.

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

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

- 21 Prior to the first occupation of any dwelling, the following shall be provided:-

- a) The respective car parking provision and any turning space shall be made available within the curtilage, in accordance Site Layout 7059 P 01 M. The parking spaces and turning space so provided shall not be obstructed, allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter permanently remain available for car parking and turning.
- b) 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway, in accordance with the current standards of the Highway Authority and shall be so maintained that way thereafter.
- c) Visibility splays of 2.4 metres by 43 metres shall be provided at the junction of the access with Bosworth Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
- d) A footway link to the existing footpath on Bosworth Road to the west and a footpath along the frontage of the development to the East shall be completed to the satisfaction of the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reasons: To ensure adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users; In the interests of pedestrian safety; To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety and for the safety of pedestrians.

- 22 The access drive shall be provided as per details set out in drawing number (9) 2001 before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway

- 23 No walls, planting or fences shall be erected or allowed to grow on the highway boundary exceeding 0.6 metres in height above the level of the adjacent carriageway.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.

- 24 The gradient of the access drive 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.

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 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 Site clearance should taken place outside of the bird nesting season (March - August). It is an offence under Section 1 of the Wildlife and Countryside Act of 1981 to intentionally take, damage or destroy the nest of any wild bird while it is in use or being built.
- 3 In respect of Condition 10, the footpaths should be provided with a stone surface and a width of 2 metres.
- 4 Where footpath P85 intersects the eastern and western boundaries of the application site, gaps of a width of 1.2 metres, together with waymark posts to the specification shown in the attached Drawing No. SD/FP/6 should be provided at the points. If it is necessary for either of the boundary crossing points along the footpath to be made stock proof, hand gates or kissing gates to the specifications shown in the attached Drawing Nos. SD/FP/11 or SD/FP/12 should be installed but not stiles. These works should be carried out by the applicant Company at its own expense.

Any damage which may occur to the surface of the footpath which is directly attributable to works associated with the development will be the responsibility of the applicant Company to repair at its own expense, to the satisfaction of the Highway Authority.

Any new trees or shrubs which are proposed to be planted adjacent to footpath P85 should be set back by a minimum of 1 metre from the edge of the route and be of species which do not spread. This will minimise the likelihood of the width of the right of way being encroached upon and reduced in width by overhanging vegetation in the

future.

The applicant Company should also be advised that no additional structures including stiles, gates or other barriers either of a temporary or a permanent nature, should be placed across the route of footpath P85 without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to require its immediate removal.

- 5 The applicant / developer should refer to the Environment Agency's 'Groundwater Protection: Policy and Practice' (GP3) document, available from our website at www.gov.uk/environment-agency. This sets out our position on a wide range of activities and developments, including:

- Storage of pollutants and hazardous substances
- Solid waste management
- Discharge of liquid effluents into the ground (including site drainage)
- Land contamination

All precaution must be taken to avoid discharges and spills to ground both during and after construction. For advice on pollution prevention measures, the applicant should refer to the guidance on the following link to the www.gov.uk website: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>.

During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage of oil or fuel of any kind in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.

It is recommended that the installation of fittings that will minimise water usage such as low, or dual, flush WC's, spray taps and economical shower-heads in the bathroom are installed. Power showers are not recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.

- 6 The proposal is situated in excess of 45 metres from the highway. In order to cater for emergency vehicles the drive and any turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.

This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Infrastructure Planning team (for `major'

accesses serving more than one dwelling) or the Highways Manager (for `minor' accesses serving one dwelling only). For further information, including contact details, you are advised to visit the County Council website as follows: -

For `major' accesses - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg

For 'minor' accesses serving one dwelling contact the Customer Service Centre team
Tel: 0116 3050001.

If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an Agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.