

Demolition of existing dwelling and the erection of a single storey building to provide three units for use either as A1 (shops) or A5 (hot food takeaways)

Report Item No
A3

2 Ashby Road Ibstock Coalville Leicestershire LE67 6HA

Application Reference
15/00780/FUL

Applicant:
Ms Trish McCarter

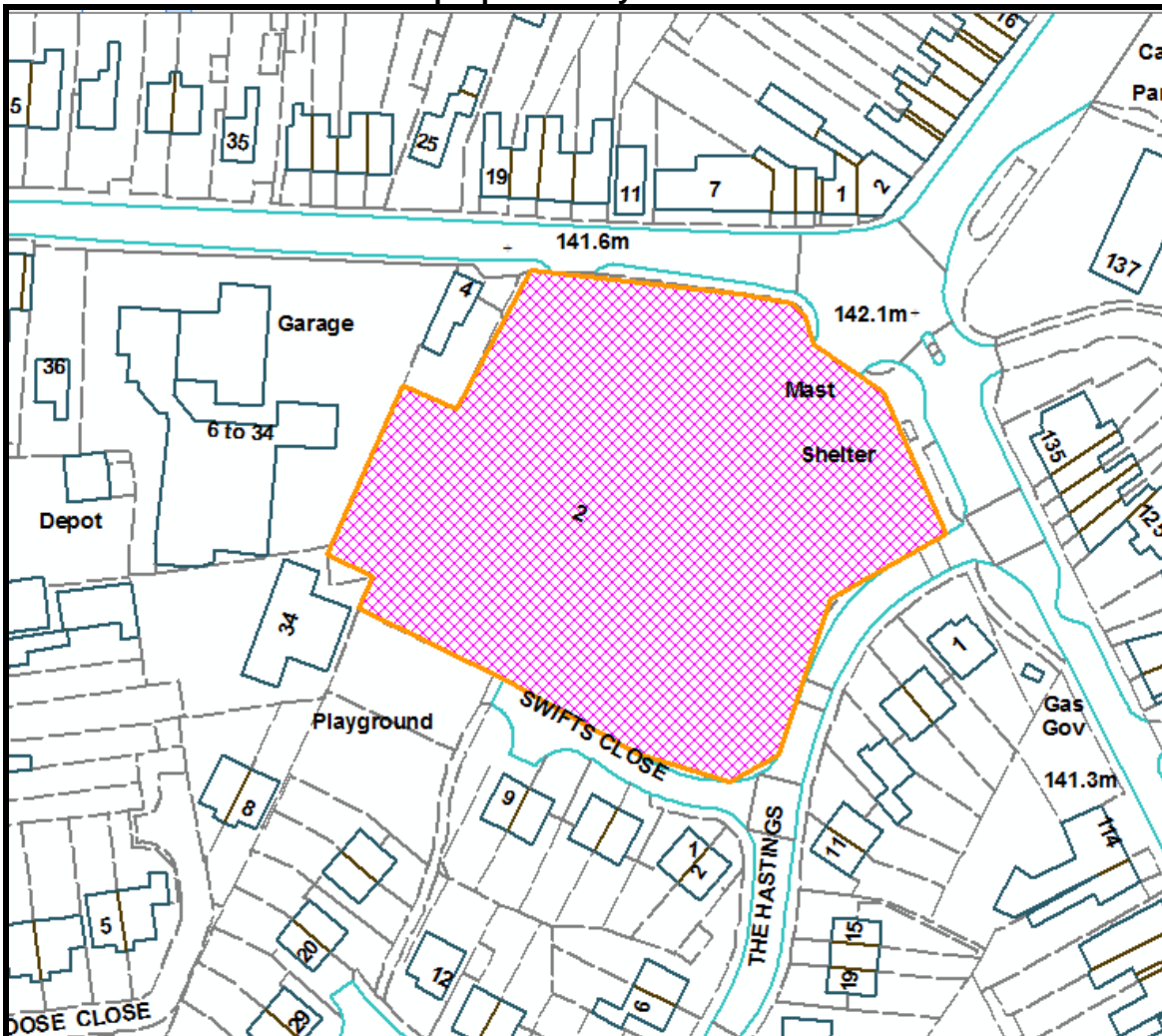
Date Registered
8 September 2015

Case Officer:
James Mattley

Target Decision Date
3 November 2015

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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Executive Summary

Call In

The application falls to be determined by the Planning Committee as it has been 'called-in' by Councillor Clarke under the DEL1 process for a number of planning reasons, including, highway safety, retail impact/demand and planning issues with A5 uses including residential amenity impacts.

Proposal

Planning permission is sought for the demolition of an existing dwelling and the erection of a single storey building to provide three units for use either as A1 (shops) or A5 (hot food takeaways) at the Co-Op site, Ashby Road, Ibstock.

Consultations

Members will see from the report below that objections have been received in respect of the proposals from surrounding neighbours and from Ibstock Parish Council. No objections have been received from any other statutory consultee.

Planning Policy

The application site is within Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also relevant are the retail policies of the National Planning Policy Framework.

Conclusion

The proposed units are located within the limits to development and within a sustainable settlement. A retail sequential assessment has been provided indicating that the application site represents the most sequentially preferable location for the proposed development and the scheme is considered to meet with the advice in the NPPF. Subject to suitable conditions, the proposal would have no adverse impacts upon residential amenities, highway safety or design in accordance with Policies S2, R1, E3, E4, E7, E8, E9, F3, T3, T8 and T13 of the Adopted Local Plan and the provisions and intentions of the NPPF. The application is, therefore, recommended for approval.

RECOMMENDATION - PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, 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, the Officer's assessment and recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the demolition of an existing dwelling (No.4 Ashby Road) and the erection of a single storey building to provide three units for use either as A1 (shops) or A5 (hot food takeaways) at the Co-Op site, Ashby Road, Ibstock. The application site is located to the south of Ashby Road and immediately adjacent to a petrol filling station. The surrounding area is characterised predominantly by residential dwellings. The site is located within the limits to development but outside of the retail centre of Ibstock as defined by the North West Leicestershire Local Plan.

The proposed development involves the demolition of an existing vacant two storey residential dwelling which fronts onto Ashby Road. This would be replaced by a new single storey building, located in a similar location, which would measure 24.4 metres in length, 8.7 metres in depth and with a monopitched roof measuring 3.5 metres in height to the eaves and 5.5 metres in height to the ridge. The three units would each have a gross floor area of 65 square metres

Amended plans have been submitted during the course of the application to make amendments to the design of the building.

In terms of hours of operation, there would be no trade beyond 23:00 on Monday to Saturday and nothing beyond 22:30 on a Sunday.

The application is accompanied by a sequential retail assessment and a design and access statement.

The planning history of the site is as follows: -

- 96/00373/P - Erection of a food store and petrol filling station with ancillary car park - Approved 26th June 1996;
- 97/00270/P - Erection of a food store and petrol filling station with ancillary car park (amended scheme) - Approved 18th December 1997;
- 97/01050/P - Erection of a food store and petrol filling station with ancillary car park (amended scheme) - Approved 20th November 1998;
- 01/00574/FUL - Erection of extension to form travel agent - Approved 26th July 2001;
- 01/00861/FUL - Erection of warehouse extension - Approved 17th September 2001;
- 01/00886/FUL - Installation of a 1.0m diameter wall mounted satellite antenna - Approved 21st September 2001;
- 01/01320/FUL - Erection of boundary fencing - Approved 14th December 2001;
- 02/00351/RET - Retention of 1metre diameter satellite dish - Approved 3rd May 2002;
- 02/00645/ADC - Display of internally illuminated and non-illuminated advertisements - Approved 4th July 2002;
- 06/01190/T56 - Installation of a radio equipment cabinet - Approved 27th September 2006;
- 11/00549/FUL - Installation of an ATM and ancillary fixtures on front elevation - Approved 30th August 2011;
- 11/00688/ADC - Display of various illuminated and non-illuminated signage - Withdrawn 18th January 2012;
- 12/00217/ADC - Display of various illuminated and non-illuminated advertisements - Approved 23rd April 2012;
- 13/00213/FUL - Alterations to entrance - Approved 7th May 2013.

2. Publicity

32 no. neighbours have been notified. (Date of last notification 4 November 2015)

Site Notice displayed 6 October 2015

3. Consultations

Ibstock Parish Council consulted 9 September 2015

NWLDC Urban Designer

County Highway Authority

Severn Trent Water Limited

Head of Environmental Protection

LCC ecology

4. Summary of Representations Received

Ibstock Parish Council objects to the application on the following grounds:

- _ Government policy is to promote the High Street and this application fails to achieve this;
- _ No details on what the shops would be but they will impact on the facilities currently offered on the High Street;
- _ There are already parking and servicing issues with the current site;
- _ The Co-Op should utilise some of the vacant shops on the High Street.

County Ecologist has no objections to the proposal.

County Highway Authority has no objections to the proposal subject to the inclusion of conditions.

North West Leicestershire Environmental Protection Section has no objections subject to conditions to ensure that suitable ventilation extraction equipment is installed.

North West Leicestershire Contaminated Land Officer has no objections subject to conditions.

Severn Trent Water has no objection subject to the inclusion of relevant conditions.

A total of six representations have been received objecting to the application on the following grounds:

- _ Units could be used as fast food outlets which could be used until late at night and could cause anti-social behaviour issues and increased litter;
- _ There are a number of elder residents in the surrounding area who would not be able to cope with potential issues;
- _ The Co-Op has not consulted prior to submitting the application;
- _ The proposal would demolish an existing residential property;
- _ Retail units should be located within the village centre;
- _ The units are poorly designed and would not be in keeping with the street scene;
- _ Additional traffic and heavy goods vehicles will increase highway safety dangers;
- _ There is a lack of space for servicing;
- _ The proposal would result in the loss of existing storage and waste disposal areas;

- _ lbstock has a sufficient level of fast food outlets;
- _ Car parking at the Co-Op is already inadequate;
- _ More information on the time of deliveries is required;
- _ Proposal could impact upon shops located within the village centre.

5. Relevant Planning Policy

National Policies

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

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

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

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

Paragraph 14 (Presumption in favour of sustainable development)
Paragraph 17 (Core Planning Principles)
Paragraph 19 (Building a strong, competitive economy)
Paragraph 23 (Ensuring the vitality of town centres)
Paragraph 24 (Ensuring the vitality of town centres)
Paragraph 32 (Promoting sustainable transport)
Paragraph 34 (Promoting sustainable transport)
Paragraph 56 (Requiring good design)
Paragraph 57 (Requiring good design)
Paragraph 58 (Requiring good design)
Paragraph 61 (Requiring good design)
Paragraph 66 (Requiring good design)
Paragraph 123 (Conserving and enhancing the natural environment)
Paragraph 203 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (August 2002)

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

Policy S2 states that development within the Limits to Development will be permitted where it complies with the policies in the Local Plan.

Policy E3 seeks to prevent development which would be significantly detrimental to the

amenities enjoyed by the occupiers of nearby dwellings.

Policy E4 seeks to achieve good design in new development.

Policy E7 states that all development should make appropriate provision for hard and soft landscaping.

Policy E8 states development will only be permitted where appropriate crime prevention measures are incorporated as an integral part of the design, layout and landscaping features.

Policy E9 requires access by all persons with restricted mobility where sites are open to the public.

Policy F3 requires landscaping and planting schemes for new development.

Policy T3 states that development will be permitted only where its highway design and layout make adequate provision for vehicular access, servicing arrangements and circulation.

Policy T8 sets out the criteria for the provision of parking associated with development.

Policy T13 requires adequate provision for cycle parking.

Policy R1 provides that shopping and related development (such as financial and professional services and food and drink uses) will be permitted within Coalville and Ashby de la Zouch Town Centres, on allocated sites, and in existing or proposed local shopping areas. New retail development outside these areas will only be permitted where it can be shown that a number of criteria would be satisfied.

Other Policies

6Cs Design Guide (Highways, Transportation and Development) - 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.

Emerging North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The policies listed below are considered relevant in the determination of this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

S1 - Presumption in favour of sustainable development

S5 - Design of new development

Ec9 - Town and Local centres: Hierarchy and management of Development

Ec11 - Town and Local centres: Primary Shopping Area - Non-Shopping uses

Ec13 - Primary and Secondary Frontages

6. Assessment

Principle

The site is located within the limits to development as defined in the development plan for North West Leicestershire comprises the saved policies of the 2002 Local Plan, which was altered in

2004 and 2005. However, the site is not located within the local centre of Ibstock (it is approximately 400 metres away) and the scheme includes for A1 (Shops)/A5 (Hot Food Takeaway) uses. Policy R1 of the Local Plan and more up to date advice in the NPPF provides advice on dealing with shopping and related development outside of designated retail areas. Paragraph 24 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. Applications for main town centre uses should be required to be located in town centres, then in edge of centre locations and, only if suitable sites are not available, should out-of centre sites be considered. Paragraph 24 goes on to say that when considering edge-of-centre and out-of-centre proposals, preference should be given to accessible sites that are well connected to the town centre.

The application is accompanied by a sequential approach assessment. This indicates that the development is proposed as complimentary Class A development to the Co-Op's existing foodstore, sharing access parking and servicing. As such, the location of the application proposals on an alternative more centrally located site, if such a site existed, would sever the complementary nature the development seeks to deliver and render the development incapable of functioning as required. The sequential approach assessment also goes onto consider the availability of sites and premises in and on the edge of the Ibstock retail centre. It identifies 67 separate properties which make up the retail centre and, at the time of the report, none of these were vacant. The assessment also states that there are no derelict sites and/or premises that are vacant on the edge of the retail centre which lend themselves to redevelopment for retail purposes.

It is understood that since the submission of the assessment Ibstock Community Enterprise have a small unit currently available to let. However, this would not appear sufficiently large enough to accommodate the proposed development and it is also noted that the Council's SPD contains policies which seek to resist further A5 uses within the retail centre of Ibstock. Having regard to the submitted information, it has been demonstrated that there are no sequentially preferable sites that are suitable and available to accommodate the application proposals either in or on the edge of the Ibstock retail area. Therefore, the application site represents the most sequentially preferable location for the proposed development and the scheme is considered to be in accordance with paragraph 24 of the NPPF.

In terms of a retail impact assessment, the NPPF advises that a threshold of 2,500 square metres is appropriate where no alternative policy is contained in the development plan. As the scheme proposes only 195 square metres of floorspace then a retail impact assessment is not required for this application.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The settlement of Ibstock benefits from a range of local services and is readily accessible via public transport. The proposal for the erection of new A1/A5 units within the settlement boundary of Ibstock, is, therefore, considered to score well against the sustainability advice in the NPPF.

Overall, taking all of the above into account, the scheme is considered to be acceptable in principle.

Residential Amenity

Consideration has been given to the residential amenity impacts of the proposal particularly as letters of representation have raised issues in this regard. There are no residential properties

immediately to the west, north and east of the proposed new building. The closest residential properties would be those located over the road, the closest of which would be around 14 metres away.

Concern has been expressed regarding late night opening causing disturbance to surrounding residents. The applicants have confirmed that there would be no trade beyond 23:00 on Monday to Saturday and nothing beyond 22:30 on a Sunday. It is understood that the existing Co-Op is open until 22:00 during the week. The operating hours proposed are considered to be reasonable when having regard to the opening hours of similar A5 (Hot Food Takeaway) establishments in the town centre (i.e. No.41 High Street has opening hours of 0900 - 2330 Monday, Tuesday, Wednesday, Thursday, Sunday and Bank Holidays and between the hours of 0900 - 0000 Friday and Saturday).

It should be noted that all of the units could be operated as A1 uses and, if this was the case, it is unlikely that the units would stay open until 23:00 on Monday to Saturday and 22:30 on a Sunday. In order to try and limit any potential/perceived disturbance to surrounding residents, the applicants have confirmed that they would be willing to accept a condition restricting that not more than two of the units are used for A5 (Hot Food Takeaway) purposes. In terms of anti-social behaviour issues (and any perceived impacts), no evidence has been supplied to indicate that the proposed development would result in such issues occurring. Should issues arise in this regard, then they would need to be dealt with by the appropriate body.

The Council's Environmental Protection team have no objections to the proposed scheme subject to conditions in respect of extraction and ventilation equipment. This would ensure that if the scheme were to be used for A5 purposes that suitable extraction equipment is proposed to ensure that odour was controlled and would not cause issues to surrounding residents.

The proposed building would be single storey in height and, taking into account the distance to surrounding residential properties, it would not result in significant overlooking, overbearing or overlooking impacts.

Therefore, subject to conditions in respect of opening hours and extraction and ventilation equipment, it is considered that the proposed development would have an acceptable impact upon surrounding residential occupiers. The scheme is considered to be acceptable in relation to Policy E3 of the Local Plan.

Highway Safety

The existing access and egress arrangements from Ashby Road would be utilised. There are a total of 102 car parking spaces on the site and the proposed units would result in the loss of two car parking spaces. The County Highway Authority (CHA) have been consulted on the application to ensure that the proposed access, car parking levels and servicing arrangements are deemed to be acceptable. Subject to conditions, including in respect of ensuring that vegetation is kept to below 0.6 metres in height around the exit only route, the CHA raise no objections to the proposed scheme.

The concerns of the Parish Council and neighbouring residents in relation to highway safety are recognised. However, the County Highway Authority has no objections to the proposed development subject to relevant highway conditions. Therefore, it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan or the advice in the NPPF.

Design

The need for good design in development is outlined not only in Local Plan Policy E4, 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. Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

The scheme has been the subject of extensive discussions and negotiations with the District Council's Urban Designer during the course of the application, and has been amended in order to address previously expressed concerns regarding the design quality of the scheme. The concerns principally related to the failure to front onto Ashby Road and failure to provide a locally inspired or otherwise distinctive design. Amended plans have been submitted which represent an improvement over the originally submitted plans and which show for a building that now addresses Ashby Road and includes for a building that has a National Forest identity with the inclusion of timber cladding and open toe rafters. The District Council's Urban Designer considers that the scheme now addresses the majority of the previous concerns which have been raised although it would be necessary to attach planning conditions in respect of materials and extraction equipment.

The one outstanding issue in respect of design is in relation to the rear elevation of the building which would be visible from Ashby Road across the existing petrol forecourt. The Council's Urban Designer considers that this elevation should be improved as it is prominent within the street scene and could contain elements such as air conditioning units which would detract from the overall design and appearance of the scheme. The applicant's agent has been contacted regarding these concerns and does not agree that further changes are required in respect of the scheme. The agent points out that there is an existing two storey (and fairly blank) elevation which currently exists in this location and that the location of extraction equipment on the building is shown to be indicative only at this stage. A photomontage has been provided showing that the elevation would be screened to some extent by a new close boarded timber fence along with existing signage and landscaping. Whilst the proposed elevation is not ideal in design terms, when having regard to the 'fall-back' position of a large two storey blank facade which currently exists, it is not considered that the proposal would result in any additional visual harm that would warrant a refusal of the application. Conditions can be applied to any planning permission on the site to control the design and location of extraction/ventilation equipment along with the height of the proposed new fencing.

In terms of design issues, therefore, it is considered that the proposed building would be appropriate in this area, and the requirements of Local Plan Policies E4 and the design advice in the NPPF are considered to be met by the scheme subject to the inclusion of relevant design conditions.

Other

It is noted that should an application have simply been submitted for the demolition of the property this would have required prior notification (not a planning application) and the only issues that the Local Authority could have taken into account would have been the proposed

method of demolition and the restoration of the site. As planning permission is not required for the demolition of the dwellinghouse, it is not considered that the application could be refused for this reason.

Although concern has been expressed regarding the loss of existing storage and waste disposal areas, the submitted plans indicate a shared delivery zone and secure storage areas to the rear of the units.

Conclusion

The proposed units are located within the limits to development and within a sustainable settlement. A retail sequential assessment has been provided indicating that the application site represents the most sequentially preferable location for the proposed development and the scheme is considered to meet with the advice in the NPPF. Subject to suitable conditions, the proposal would have no adverse impacts upon residential amenities, highway safety or design in accordance with Policies S2, R1, E3, E4, E7, E8, E9, F3, T3, T8 and T13 of the Adopted Local Plan and the provisions and intentions of the NPPF. The application is, therefore, recommended for approval.

RECOMMENDATION - PERMIT subject to the following condition(s):

- 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 plans, unless otherwise required by a condition of this permission:

- _ Drawing Number 10478-20-02 Rev D deposited with the Local Planning Authority on 3 November 2015;
- _ Drawing Number 10478-20-01 Rev E deposited with the Local Planning Authority on 3 November 2015;
- _ Drawing Number 10478-90-04 Rev D deposited with the Local Planning Authority on 3 November 2015;
- _ Drawing Number 10478-90-02 deposited with the Local Planning Authority on 3 November 2015;
- _ Drawing Number 10478-90-01 deposited with the Local Planning Authority on 3 November 2015.

Reason - To determine the scope of this permission.

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting that Order), the units shall be used solely for purposes falling within Class A1 or A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and for no other purpose.

Reason - To determine the scope of the planning permission and to comply with Policy R1 of the North West Leicestershire Local Plan.

- 4 None of the units hereby permitted shall be amalgamated or subdivided, unless otherwise agreed in writing with the Local Planning Authority.

Reason - To ensure satisfactory control over the retail impact of the development, and to comply with Policy R1 of the North West Leicestershire Local Plan.

- 5 No more than two of the units shall be used for A5 (Hot Food Takeaway) purposes at any one time, unless separate planning permission has first been obtained from the Local Planning Authority.

Reason - In the interests of residential amenity.

- 6 Notwithstanding the submitted plans, nor Condition 2 above, no plant, machinery or other mechanical/ventilation/extraction equipment shall be installed to the exterior of the building until such time as precise details of the proposed plant, machinery or equipment (and including details of the anticipated noise levels that would be generated together with any mitigation measures) have been submitted to and agreed in writing by the Local Planning Authority. No plant, machinery or other mechanical/ventilation/extraction equipment shall be installed or operated at any time other than in accordance with the agreed details.

Reason - In the interest of residential amenities.

- 7 No development shall commence on site until a detailed scheme for the satisfactory disposal of foul and surface water from the site has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason - To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water, to prevent pollution of the water environment, and to prevent the increased risk of flooding.

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

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

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

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

The Verification Plan shall be prepared in accordance with the requirements of:

- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

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

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

- 9 Prior to occupation of any part of the completed development, a Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

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

- 10 No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.

Reason - To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 11 No walls, planting or fences shall be erected or allowed to grow on the highway

boundary fronting Ashby Road, 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.

- 12 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.

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

- 13 The existing vehicular access that become redundant as a result of this proposal (the access serving No.4 Ashby Road) shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority within one month of the new access being brought into use.

Reason - To protect footway users in the interests of pedestrian safety, and to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

- 14 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.

- 15 The car parking and any turning facilities shown within the submitted plan shall be provided, hard surfaced and made available for use before the units are brought into use and shall thereafter be permanently so maintained.

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

- 16 No development shall commence on site until precise details of secure cycle parking provision have been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided prior to first use of the development and thereafter be so maintained.

Reason - In the interests of the sustainability of the development and to encourage alternative transport choice.

- 17 The opening hours of the units hereby approved shall be limited to between the hours of

0800 - 2300 Monday to Saturday and between the hours of 0800 - 22:30 on a Sunday.

Reason - In the interests of the residential amenities of the area.

18 Notwithstanding the submitted plans, nor Condition 2 above, no development (excluding demolition) shall commence on site until detailed plans/details/samples (as appropriate) of the:-

- a. bricks
- b. cladding
- c. roofing materials
- d. rain water goods
- e. windows and doors

have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the works shall be executed in accordance with that agreement.

Reason - To ensure that the works are executed in an appropriate manner and to ensure a satisfactory standard of design.

19 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until such time as a detailed scheme for the boundary treatment of the site has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before any unit is occupied.

Reason - To preserve the amenities of the locality and to approve the design of the boundary treatments.

20 No development shall commence on site until such time as precise details of the existing and finished ground levels and the proposed floor levels of the building in relation to an existing datum point 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 the development takes the form envisaged by the Local Planning Authority.

Notes to applicant

1 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 the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.

The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.

2 In relation to condition 6, the Council's Environmental Health Department states the following:

The extraction system should comprise of the following

Manufacturers specifications of extraction fan and any filters proposed.

Location of component parts including ductwork.
Location and height of final discharge flue to atmosphere
An indication of expected noise levels generated by the system.

As a guide, the minimum standard that the applicant should aim to achieve is,

A three stage filtration system (grease filter over cooking range, then a fabric filter followed by a carbon filter)

A terminal flue height of one metre above eaves with a vertical, unrestricted, discharge, and

A minimal terminal efflux velocity of fifteen metres per second.

- 3 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.
- 4 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 2015.