
Variation of conditions 3 and 22 of 15/00019/VCIM to include additional boundary treatments to plots 176 and 177 as well as landscaping revisions

Report Item No
A5

Land To The Rear Of Parkdale Ashby Road Ibstock
Leicestershire

Application Reference
15/00698/VCIM

Applicant:
Mr Sam McShane

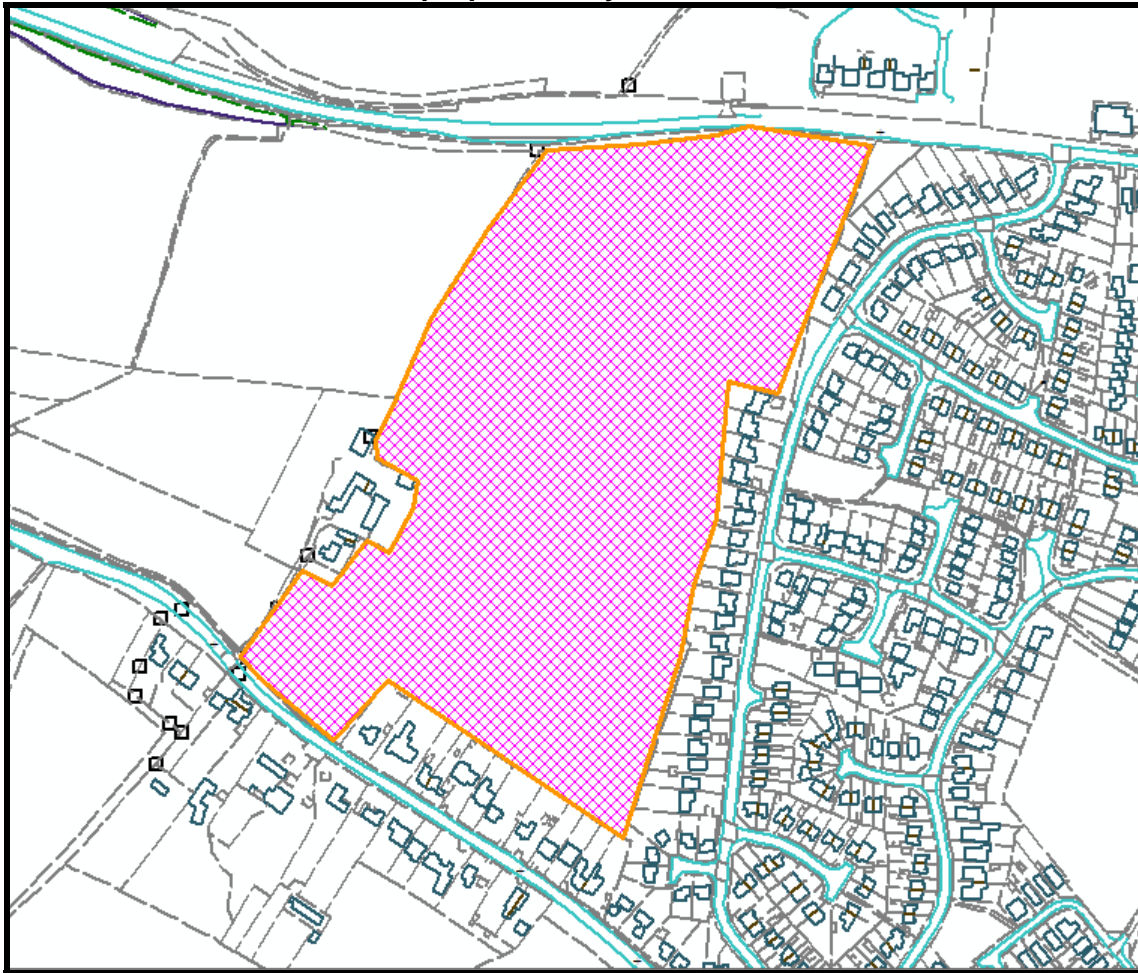
Date Registered
30 July 2015

Case Officer:
Adam Mellor

Target Decision Date
29 October 2015

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee at the request of Councillor Clarke as the work has already begun on the variation which has not received permission and is to the detriment of residents of Parkdale.

Proposal

Permission is sought for the variation of Conditions 3 and 22 of 15/00019/VCIM to introduce additional boundary treatments and landscaping to plots 176 and 177 on the Bellway Homes development to the west of Parkdale and south of Ashby Road, Ibstock. It is noted that the boundary treatments are already partially in situ on the site.

The application was deferred at the Planning Committee Meeting of the 6th October 2015 to allow residents of Nos. 83, 85 and 87 Parkdale to meet with representatives of Bellway to discuss the fencing. This meeting occurred on the 26th October 2015 with the Planning Case Officer, Planning Enforcement and Councillor's Clarke and Richichi also being in attendance.

Consultations

One letter of representation objecting to the application has been received from an occupant of Parkdale with Ibstock Parish Council also objecting.

Planning Policy

It is considered that the development would remain compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the current, and draft emerging, North West Leicestershire Local Plan and other guidance.

Conclusion

The site has the benefit of permission for residential development and this has been implemented on the site.

It is considered that the provision of fencing to the boundaries of the relevant plots would not have sufficiently detrimental impact on the amenities of neighbouring properties given that such a boundary treatment could have been erected by the original landowner or by any subsequent owner of one of the relevant plots without planning permission. It is also considered that landscaping is not necessary to mitigate any overlooking implications to existing residents, given the relative distances, but in any event tree planting would be provided within the rear garden of the plots which face towards properties on Parkdale. On this basis the development would accord with Policy E3 of the Local Plan.

Boundary treatments to be introduced would be within the rear amenity areas of the relevant plots and as such would not be readily visible from the public domain given that the fencing would be screened by a wooded area of open space between Nos. 55 and 93 Parkdale. In these circumstances the development remains compliant with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

It is also considered that the provision of additional tree planting would be acceptable and in accordance with Policies E7, F1, F2 and F3 of the Local Plan.

It is therefore recommended that the application be permitted.

The proposed amendments will require alterations to conditions 3 and 22 to reflect the revised

details.

RECOMMENDATION - PERMIT, subject to conditions;

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

MAIN REPORT

1. Proposals and Background

This is an application under Section 73 of the Town and Country Planning Act 1990 to "vary" conditions 3 and 22 of planning permission 15/00019/VCIM which was approved on the 9th April 2015. Section 73 relates to development of land without complying with conditions subject to which a previous planning permission was granted. The Council, in considering this application, is only entitled to consider the question of the conditions subject to which planning permission should be granted.

Condition 3 of 15/00019/VCIM related to the proposed landscaping for the site with Condition 22 relating to the proposed boundary treatments.

The variation to condition 22 is proposed as 1.8 metre high close board timber fencing has been erected to the south-eastern (side) boundaries of Plots 176 and 177, which fronts towards the boundary of No. 83 Parkdale and an area of protected woodland (T136)/open space between Nos. 55 and 83 Parkdale. The approved boundary treatment plan did not show this fencing, and as such the application is part retrospective, with the applicant stating that the works are required as *"the current boundary treatment consists of part hedge and part 1.0 metre high fencing which we believe requires additional screening to provide adequate privacy and security to all parties."*

Condition 3 is proposed to be amended in order to provide additional landscaping within the rear garden area of Plot 177 in close proximity to the boundary with No. 83 Parkdale.

The application was deferred at the Planning Committee Meeting of the 6th October 2015 to enable residents of Nos. 83, 85 and 87 Parkdale to meet with representatives of Bellway to discuss the situation on site and determine a way forward. This meeting was held on the 26th October 2015 with the Planning Case Officer, Planning Enforcement and Councillor's Clarke and Richichi also being in attendance. Following the meeting Bellway were advised that discrepancies existed on the plan, due to there appearing to be a 'gap' of 2.5 metres between the existing boundaries to properties on Parkdale and the position of the fencing to the relevant plots, and that this situation should be checked and clarified in relation to the topographical survey originally undertaken. Amended plans were received on the 16th November 2015 which show the fencing in its 'as built' position with the correspondence from Bellway advising the following:-

"Further to those discussions, we have, as agreed, rechecked our details relating to ordnance survey grid, topographical survey and setting out co-ordinates and note the following.

Following this check, we have discovered there was a discrepancy on our drawings insofar as the grid alignment indicated on the drawings had not been positioned correctly to the ordnance survey data. The result of this was that alignment of the proposed boundary fence on the Boundary Treatments Plans being indicated as "2.5m away from existing boundary" - this was not the intention.

As discussed on site, the boundary fence line is sited on our land title boundary as currently set out on site.

We apologise for the error on the drawings but confirm the boundary line as now shown, is in accordance with our title plan as registered and approved by Land Registry."

Neighbours have been reconsulted on the amended plans.

The planning history of the site is as follows: -

- 12/00453/FULM - Application for the erection of 191 residential units, structural landscaping, open space provision and access roads - Approved 22nd August 2013;
- 13/00813/VCUM - Variation of 191 house types and ancillary buildings to those approved under application reference 12/00453/FULM - Approved 23rd April 2014;
- 14/00171/VCUM - Variation of Condition 21 of planning application 12/00453/FULM to allow the public footpath to be provided before occupation of the 101st dwelling on the site - Approved 16th June 2014;
- 14/00648/VCIM - Variation of condition 17 of 14/00171/VCUM to allow the off-site highways work at the new junction for the development on station road to being a mini - roundabout to be provided on the occupation of the 101st dwelling - Approved 2nd December 2014;
- 15/00004/FULM - Erection of 21 no. dwellings including variations to approved plots 1, 2, 41, 42, 43, 44, 45, 46, 47, 50, 51, 52, 53, 54, 55, 56, 64 and 65 and introduction of plots 192, 193, 194, 195, 196 and 197 - Approved 30th July 2015;
- 15/00018/VCIM - Variation of conditions 2, 3, 4 and 23 of 14/00648/VCIM for a proposed substitution of house types to plot nos. 101-108, 119-149, 156-175 and 184-191 along with alterations to the materials, landscaping, boundary treatments and drainage scheme - Approved 8th April 2015;
- 15/00026/NMA - Proposed alterations to external elevations on approved plots 3-10, 15-49, 57-63 and 66-100 (non-material amendment) - Approved 5th February 2015.

2. Publicity

18 no. neighbours have been notified (Date of last notification 30 July 2015)

Site Notice displayed 12 August 2015

Press Notice published 5 August 2015

3. Consultations

Ibstock Parish Council consulted 30 July 2015

4. Summary of Representations Received

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

Ibstock Parish Council vehemently oppose the application and comment that:-

"Bellway homes have trodden on existing residents during the whole process of building in Ibstock. They submitted applications, took on board comments, revised applications to get them passed and supported, then applied for variations all along the process.

The original plans took into account residents concerns, boundaries, comments, were amended and then passed, however, they have YET AGAIN built and erected off plan. To resolve this they submit retrospective variations AGAIN! This is not acceptable and makes a mockery of the whole planning process and reinforces our concerns about the current planning systems."

Third Party Representations

Whilst one letter of representation to the application was received this was from the occupant of No. 87 Parkdale who would not be directly affected by the proposed works to plots 176 and 177

given their distance from the boundary with No. 87. As such the comments submitted seem more applicable to application reference 15/00701/VCIM, and they have therefore been taken into account in the assessment of that particular application, also reported on the Planning Committee Agenda. Correspondence from No. 83 Parkdale objecting to the development only related to application reference 15/00701/VCIM, however, following a discussion with the occupant it has been ascertained that their objection to 15/00701/VCIM would also be applicable to 15/00698/VCIM given that Plot 176 would also share a boundary with this property. The objection is summarised as follows: -

- The original separation area should be adhered to;
- The erected fence is 2.5 metres from dining room windows and whilst the fence is proposed to be 1.8 metres the alterations to the ground levels mean that the height of the fence is 2.04 metres;
- The original plan to incorporate a 5 metre planted separation buffer should be reintroduced incorporating a quality fence and retaining our original fencing as this would be the most logical solution;
- The condition for any landscaping to be retained for a minimum of five years should be extended to indefinitely;
- The present fence is an eyesore and is very overpowering which has made our property dark inside.

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 17 (Achieving sustainable development);
- Paragraph 32 (Promoting sustainable transport);
- Paragraph 38 (Promoting sustainable transport);
- Paragraph 39 (Promoting sustainable transport);
- Paragraph 47 (Delivering a wide choice of high quality homes);
- Paragraph 49 (Delivering a wide choice of high quality homes);
- Paragraph 57 (Requiring good design);
- Paragraph 59 (Requiring good design);
- Paragraph 60 (Requiring good design);
- Paragraph 61 (Requiring good design);
- Paragraph 64 (Requiring good design);
- Paragraph 73 (Promoting healthy communities);
- Paragraph 75 (Promoting healthy communities);
- Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
- Paragraph 109 (Conserving and enhancing the natural environment);

Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 123 (Conserving and enhancing the natural environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (Planning conditions and obligations);

Adopted North West Leicestershire Local Plan (2002)

The application site is within the 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 E6 - Comprehensive Development;
Policy E7 - Landscaping;
Policy E8 - Crime Prevention;
Policy E21 - Separation of Settlements;
Policy E30 - Floodplains;
Policy F1 - General Policy;
Policy F2 - Tree Planting;
Policy F3 - Landscaping and Planting;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy T10 - Public Transport;
Policy T13 - Cycle 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;
Policy L22 - Formal Recreational Provision;

Draft Consultation 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 draft policies listed below are considered relevant to 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.

Policy S1 - Presumption in Favour of Sustainable Development;
Policy S2 - Future Housing and Economic Development Needs;
Policy S3 - Settlement Hierarchy;
Policy S4 - Countryside;
Policy S5 - Design of New Development;
Policy H4 - Affordable Housing;
Policy H6 - House Types and Mix;
Policy IF1 - Development and Infrastructure;
Policy IF2 - Community Facilities;
Policy IF3 - Open Space, Sport and Recreation Facilities;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;

Policy En1 - Nature Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy Cc2 - Sustainable Design and Construction;
Policy Cc3 - Water - Flood Risk;
Policy Cc4 - Water - Sustainable Drainage Systems;
Policy IM1 - Implementation and Monitoring of the Local Plan;

Other Policies

National Planning Practice Guidance

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

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in Ibstock.

Key Principle AH3 requires a minimum of 20% of residential units to be available as affordable housing within Ibstock;

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;

Leicestershire County Council Statement of Requirement for Developer Contributions in Leicestershire

The County Council's Statement of Requirement for Developer Contributions in Leicestershire sets out the circumstances in which developer contributions will be required in respect of County and District service areas, as well as other public services, and the level of contributions required;

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;

National Forest Planting

Detailed National Forest planting guidelines are contained within the National Forest Strategy 2004 - 2014. For residential development on sites of more than 0.5 hectares, 20% of the development site area should be provided as woodland planting and landscaping, either on-site or near the development. The Strategy also provides that, in exceptional circumstances, if the planting guidelines cannot be met, a commuted sum should be paid, at a guideline rate of £10,000 per hectare of the gross development area;

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites;

The Habitat Regulations

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs) and the key issues relating to protected species.

6. Assessment

The principle of the proposed development was assessed and found to be acceptable under application reference 12/00453/FULM, as well as application references 13/00813/VCUM, 14/00171/VCUM and 14/00648/VCIM, and as such does not need further consideration under this application. A Deed of Variation for the approved Section 106 Agreement would also not be required given that the level of contribution remains the same and a clause in the original agreement means that it remains valid under any subsequent permission granted on a Section 73 application. In these circumstances the only matters for consideration relate to whether the provision of additional landscaping and 1.8 metre high fencing to particular plots results in an adverse impacts to the amenities of residential properties and the visual amenities of the surrounding area and whether the proposed landscaping is appropriate.

For the purposes of clarification the below assessments have been based on the position of the fencing 'as built', rather than an assumption that the fencing was '2.5 metres away from existing boundaries', with Bellway now confirming that the fencing is erected on land which is in the limit of their ownership.

Residential Amenity

It is considered that the properties most immediately affected by the proposed changes would be No. 83 Parkdale given that this property shares a direct boundary with the application site.

With regards to the planning history of the site it is noted that as part of application reference 12/00453/FULM, the original application which established the acceptance of residential development on the site, an illustrative landscape proposals plan was submitted which showed a proposed woodland block to the rear of Plots 186, 187, 188 and 189 which backed onto the aforementioned properties on Parkdale. The illustrative landscape proposals plan showed that such a woodland block would be landlocked by the relevant gardens of the individual plots and as part of the consideration of the application the Officer's report did not make reference to such landscaping being necessary to mitigate any impacts on the amenities of properties on Parkdale. Conditions were imposed for landscaping and boundary treatment schemes to be agreed but no conditions were imposed which limited the extent of the private gardens associated with the relevant plots.

Planning application reference 12/00453/FULM was subsequently amended by planning permission reference 13/00813/VCUM which introduced two-storey detached dwellings to Plots 185, 186, 187, 188 and 189, which were previously single storey. The distances achieved to the relevant boundaries with properties on Parkdale (23.0 metres to No. 83; 20.0 metres to No. 85; 18.0 metres to No. 87 and 18.0 metres to No. 89) was considered acceptable with there being over 30.0 metres between the elevations. In the assessment of this application the Officer's report stated that:-

"Whilst the Local Authority cannot guarantee that any landscaping provided would not be removed at a later date, given that the wording of the landscaping condition has not been applied to be varied, in the circumstances that the distances established would be considered acceptable a reason for refusal on overlooking grounds could not be justified in this instance. The approved plans for the previous application also did not define the boundaries of the

relevant plots, and as such the landscaping could have been incorporated into the relevant residential gardens, and in terms of the provision of a 2.0 metre high boundary treatment it is considered that the existing land owner could install a 2.0 metre high fence to the boundaries of these properties as a form of permitted development (not requiring planning permission) which would have the same impact as any fence erected by any future tenant of the proposed properties. As such this potential impact would not justify a refusal of the application."

It is considered that the conclusions reached in the above paragraph are of particular relevance to this particular application and it is reiterated that fencing could be erected to the shared boundaries of the application site with existing properties without planning permission by either the original land owner or by any future occupant of one of the relevant plots. These circumstances would therefore make it very difficult to justify a view that the retention of the boundary fencing would result in oppressive impacts to the amenities of neighbouring properties on Parkdale.

In respect of the landscaping it is noted that tree planting is proposed within the rear gardens of the relevant plots which would soften the edge of the development, however, it is considered that it would not be essential for a 'woodland' block to be reintroduced given that the relevant distances between elevations and boundaries would be acceptable. On the basis that these distances are acceptable it would also be unreasonable to insist that the landscaping should be provided 'in perpetuity' given that it is not necessary to mitigate the implications of the development based on the above conclusion.

Overall, therefore, the development would remain compliant with Policy E3 of the Local Plan.

Design

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

The agreed boundary treatment scheme ensured that appropriate treatments were presented on the main route through the development as well on routes which would be well used by pedestrians when accessing the public open space. The provision of the additional fencing, within the private amenity areas of the relevant plots, would not compromise the integrity of the overall design given that they would not be readily visible in views established from the public domain. The fencing would also be screened by an area of woodland between Nos. 55 and 83 Parkdale.

On this basis the proposal would respect the character and appearance of the surrounding area and would remain compliant with the aims of Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

Landscaping

The revised landscaping proposals for the relevant plots introduces additional planting of appropriate species and as such would ensure that the scheme maintains a National Forest identity with relevant landscaping being provided in critical visual areas of the development. As such the development maintains compliant with the aims of Policies E7, F1, F2 and F3 of the

Local Plan.

Summary Reasons for Granting Planning Permission

The site has the benefit of permission for residential development and this has been implemented on the site.

It is considered that the provision of fencing to the boundaries of the relevant plots would not have sufficiently detrimental impact on the amenities of neighbouring properties given that such a boundary treatment could have been erected by the original owner or by any subsequent owner of one of the relevant plots without planning permission. It is also considered that landscaping is not necessary to mitigate any overlooking implications to existing residents, given the relative distances, but in any event tree planting would be provided within the rear garden of the plots which face towards properties on Parkdale. On this basis the development would accord with Policy E3 of the Local Plan.

Boundary treatments to be introduced would be within the rear amenity areas of the relevant plots and as such would not be readily visible from the public domain given that the fencing would be screened by a wooded area of open space between Nos. 55 and 93 Parkdale. In these circumstances the development remains compliant with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

It is also considered that the provision of additional tree planting would be acceptable and in accordance with Policies E7, F1, F2 and F3 of the Local Plan.

It is therefore recommended that the application be permitted.

The proposed amendments will require alterations to conditions 3 and 22 to reflect the revised details.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 The development shall be carried out in strict accordance with drawing numbers EMS.2249_07-1 (1:1250 - Site Location Plan), EL12-03 01 Revision B (Storm and Foul Water Drainage Strategy and 12038 Figure 4 Revision D (Preliminary Roundabout Access - Station Road), received by the Local Authority on the 16th May 2012, and drawing numbers EMS.2249_09-1 (Finished Floor Level Plan) excluding Plots 109-118, 150-155 and 176-183, EMS.2249_010 Revision B (Landscape Masterplan) and EMS.2249_13 Revision A (Illustrative Spine Road and Open Space Landscape Proposals), received by the Local Authority on the 5th September 2012, and drawing number EMS.2249_05-4 Revision G, received by the Local Authority on the 1st October 2012 and as agreed under application reference 12/00453/FULM, as well as the following drawings: -
 - PC0276_CP_001 (Contract Plan), received by the Local Authority on the 15th October 2013;
 - PC0276/RPP_001 (Layout Showing Re-Planned Plots), received by the Local Authority on the 15th October 2013;
 - SD-9-02 (1.8M Close Boarded Fence), received by the Local Authority on the 15th October 2013;
 - SD-9-03 (1.8M Screen Wall), received by the Local Authority on the 15th October 2013;
 - SD-9-04 (Proposed Boundary Detail - Decorative Screen Timber Fence Detail), received by the Local Authority on the 15th October 2013;

PLANNING APPLICATIONS- SECTION A

- TIL/WKDG/100/08/02 Revision D (Tilton House Type), received by the Local Authority on the 15th October 2013;
- WOR/WKDG/100/10/02 Revision G (Worcester House Type), received by the Local Authority on the 15th October 2013;
- WAL/WKDG/100/22/02 Revision F (Walton House Type), received by the Local Authority on the 15th October 2013;
- SOM/WKDG/100/26/02 Revision E (Somerby House Type), received by the Local Authority on the 15th October 2013;
- LIC/WKDG/100/30/02 Revision D (Lichfield House Type), received by the Local Authority on the 15th October 2013;
- BOS/WKDG/100/80/02 Revision C (Bosworth (with bays) House Type Floor Plans), received by the Local Authority on the 15th October 2013;
- BOS/WKDG/100/80/03 Revision D (Bosworth House Type), received by the Local Authority on the 15th October 2013;
- TWY/WKDG/100/74/02 Revision C (Twyford House Type), received by the Local Authority on the 15th October 2013;
- CAD/WKDG/100/40/02 Revision G (Cadeby House Type Floor Plans), received by the Local Authority on the 15th October 2013;
- CAD/WKDG/100/40/03 Revision E (Cadeby House Type), received by the Local Authority on the 15th October 2013;
- ASH/WKDG/100/19/02 Revision D (Ashby House Type), received by the Local Authority on the 15th October 2013;
- PC0276_200_002 Revision E (Pisca Lane Re-Plan Plan 1), received by the Local Authority on the 23rd January 2014;
- PC0276_200_002_2 Revision D (Pisca Lane Re-Plan Plan 2), received by the Local Authority on the 23rd January 2014;
- PC0276_200_002_3 Revision D (Pisca Lane Re-Plan Plan 3), received by the Local Authority on the 23rd January 2014;
- PC0276_200_002_4 Revision D (Pisca Lane Re-Plan Plan 4), received by the Local Authority on the 23rd January 2014;
- TWY/WKDG/0276/74/12 (Twyford House Type - Plots 63 and 68), received by the Local Authority on the 4th February 2014;
- BUN/WKDG/0276/71/02 (Bungalow - Thornton House Type), received by the Local Authority on the 4th February 2014;
- SOM/WKDG/0276/69/12 (Somerby House Type - Plot 31), received by the Local Authority on the 4th February 2014;
- SMI/WKDG/0276/13/13 (Smithy House Type - Tax Windows to Plot 157), received by the Local Authority on the 4th February 2014;
- WIL/WKDG/0276/67/02 Revision A (Willesley House Type), received by the Local Authority on the 4th February 2014;
- ASH/WKDG/0276/19/13 Revision A (Ashby (Detached) House Type- Windows to Plot 122), received by the Local Authority on the 4th February 2014;
- LAU/WKDG/0276/72/02 Revision A (Laughton House Type - Tax Windows to Plots 3 and 48), received by the Local Authority on the 4th February 2014;
- SMI/WKDG/0276/13/02 Revision A (Smithy House Type - Tax Windows to Plots 163, 169 and 171), received by the Local Authority on the 4th February 2014;
- SMI/WKDG/0276/13/12 Revision A (Smithy House Type - Tax Windows to Plots 71 and 156), received by the Local Authority on the 5th February 2014;
- ELL-395-BWH-C-DT-00-71 (Finished Floor Levels Layout), received by the Local Authority on the 27th February 2015, relating to the finished floor levels for Plots 109-118, 150 - 155 and 176-183;
- IBS-MAT-02C (Materials Layout), received by the Local Authority on the 19th March

- 2015;
- IBS-FEN-02D (Boundary Treatments Layout), received by the Local Authority on the 16th November 2015;

Reason - for the avoidance of doubt and to determine the scope of the permission.

- 2 The external materials to be used in the development, hereby permitted, shall be in strict accordance with those specified on drawing number PC0276_100_001/1 Revision B (excluding Plots 109 -118, 150-155 and 176-183) along with the use of OSMA RoundLine PVC-U rainwater goods, Birtley GPR doors (coloured as specified on drawing number PC0276_100_001/1 Revision B), eaves and verge details in accordance with drawing number SD-7-08, received by the Local Authority on the 6th February 2014, White Upvc windows, GRP Porches with Tiled Roofs and Slate Blue Engineering Brick Cills and Headers and Stone Cills to Bay Windows as discharged under application reference 12/00453/FULM. The external materials for Plots 109-118, 150-155 and 176-183 shall be in strict accordance with those specified on drawing number IBS-MAT-02C, received by the Local Authority on the 19th March 2015. All other external materials (including the position of utility boxes) shall be strict accordance with those shown on the approved dwelling plans specified in Condition 2 above.

Reason - to ensure a satisfactory development and in accordance with Policy E4 of the adopted North West Leicestershire Local Plan.

- 3 The landscaping of the site, excluding Plots 176 and 177, shall be in strict accordance with the information shown on drawing numbers JBA 11/347-01 Revision C, JBA 11/347-02 Revision C, JBA 11/347-03 Revision C, JBA 11/347-04 Revision C, JBA 11/347-05 Revision D, JBA 11/347-06 Revision D and JBA 11/347/07 Revision D, received by the Local Authority on the 17th January 2014, and as discharged under application reference 12/00453/FULM. The landscaping for Plots 176 and 177 shall be provided in strict accordance with that shown on drawing number GL0363 01C, received by the Local Authority on the 30th July 2015. All soft landscaping shown on the approved plans shall be carried out in the first planting and seeding season following the first occupation/use of the dwellings unless an alternative implementation programme is first agreed in writing by the Local Planning Authority with the hard landscaping schemes being provided in full prior to first occupation of any dwellings unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a five year period from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason - to ensure the satisfactory overall appearance of the completed development within the National Forest area and in accordance with Policies E4, F1 and F3 of the adopted North West Leicestershire Local Plan.

- 4 The play equipment to be provided on the site shall be in strict accordance with the information shown on drawing numbers JBA 11/347-03 Revision C and JBA 11/347-05 Revision D, received by the Local Authority on the 17th January 2014, and as discharged under application reference 12/00453/FULM. The play equipment shall be provided prior to the first occupation/use of the eightieth dwelling on the site, unless an alternative timeframe is first agreed in writing with the Local Planning Authority, and once provided the play equipment shall thereafter be retained in situ at all times.

Reason - to ensure the satisfactory provision of children's play facilities and in accordance with Policy L21 of the adopted North West Leicestershire Local Plan.

- 5 The lighting scheme to be provided on the site shall be in strict accordance with the information shown on drawing number LTG 8433 and within the document by Advanced LEDS Ltd, received by the Local Authority on the 20th June 2014, and as discharged under application reference 14/00171/VCUM. The lighting scheme shall now be implemented in accordance with the approved scheme and once provided the lighting scheme shall thereafter be retained in situ at all times.

Reason - to preserve the amenities of the locality; in the interests of residential amenities; in the interests of highway and pedestrian safety and in accordance with Policies E3 and E4 of the adopted North West Leicestershire Local Plan.

- 6 The surface water drainage scheme for the site shall be provided in strict accordance with the details specified on drawing numbers on 110 Revision B (Storm and Foul Water Drainage General Arrangement); 113 (Surface Water Balancing Pond General Arrangement); 116 Revision B (Highway and Drainage Longitudinal Sections Roads 1, 2 & 3 (Sheet 1 of 2)); 117 Revision A (Highways & Drainage Longitudinal Sections 4 & 5 (Sheet 2 of 2)); 120 (Private Drainage and External Works (1 of 5)); 121 (Private Drainage and External Works (2 of 5)); 122 (Private Drainage and External Works (3 of 5)); 123 (Private Drainage and External Works (4 of 5)) and 124 (Private Drainage and External Works (5 of 5)), received by the Local Authority on the 24th September 2013, along with the information contained within the letter from Jack McCallum of Severn Trent Water (Ref: 00008112150) of the 13th November 2013, received by the Local Authority on the 21st November 2013, and as discharged under application reference 12/00453/FULM. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason - to prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity in accordance with Policy E30 of the adopted North West Leicestershire Local Plan.

- 7 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision D, dated 15th May 2012, Ref 2012/930 and the following mitigation measures detailed within the FRA:
1. Limiting the surface water run-off generated by all rainfall events up to 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. Section 4.0
 2. Finished floor levels are set no lower than 100mm above adjacent finished highway levels to Ordnance Datum (AOD). Section 5.0
- The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason - to prevent flooding by ensuring the satisfactory storage of disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future occupants.

- 8 The development hereby permitted shall be undertaken in strict accordance with the mitigation measures outlined in site specific Ecological Survey - James Blake Associates (April 2012).

Reason - to ensure that the development delivers its mitigation in regard to the effects that it will create and deliver a valuable biodiversity net gain to the area.

- 9 Unless first agreed in writing by the Local Planning Authority, no site clearance operations that involve the destruction or removal of vegetation on the site shall be undertaken during the months of March to August (inclusive).

Reason - to ensure breeding birds are not adversely affected, in the interests of nature conservation.

- 10 No works to trees within the site shall be undertaken at any time unless, within a period not more than one month prior to the works, the trees have been surveyed by a suitably qualified individual, and have been found to have no bats present.

Reason - in the interests of nature conservation.

- 11 Bird and bat boxes will be provided in the positions identified on drawing numbers JBA 11/347-01 Revision E, JBA 11/347-02 Revision E, JBA 11/347-03 Revision E, JBA 11/347-04 Revision E, JBA 11/347-05 Revision F, 11/347-06 Revision F and JBA 11/347-07 Revision F, received by the Local Authority on the 20th June 2014, and as discharged under application reference 14/00171/VCUM. The scheme shall now be implemented in accordance with the approved scheme prior to the completion of the development.

Reason - in the interests of nature conservation, and to comply with Policy 26 of the East Midlands Regional Plan.

- 12 The development of the site shall be carried out in strict accordance with the recommendations of the Rodgers Leask Environmental Geo-Environmental Assessment for Ashby Road, Ibstock (Phase 2) dated 28th September 2012 (E11/115), received by the Local Authority on the 26th November 2013, and as discharged under application reference 12/00453/FULM. If during the course of the development unidentified contamination is discovered development must be halted on that part of the site, it must be reported in writing within 10 working days to the Local Planning Authority and a risk assessment for that contamination (to include any required amendments to the remediation scheme and Verification Plan) must be submitted and approved in writing prior to the recommencement of development of that part of the site. Thereafter, the development shall be implemented in accordance with the approved details and retained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason - to provide for mitigation of any land contamination.

- 13 Before occupation of any part of the completed development, a verification investigation shall be undertaken inline with the agreed Verification Plan for any works outlined in the Remedial Scheme, agreed under Condition 13, relevant to either the whole development or that part of the development which is to be undertaken. The report showing the findings of the verification investigation shall be submitted to, and approved by, the Local Planning Authority. The verification report should:

- 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 of all materials taken to and from the site an/or a copy of the completed site waste management plan if one was requested;
- Contain test certificates of imported material to show that it is suitable for its proposed use;
- Demonstrate the effectiveness of the approved remedial scheme;
- Include a statement signed by the developer or the approved agent, confirming that all works specified in the Remediation Scheme have been completed.
Should no previously unidentified contamination be discovered during the ground works of the development then a statement from the developer or approved agent to this effect should be submitted to the Local Planning Authority for approval in writing.

Reason - to provide for mitigation of any land contamination.

- 14 None of the dwellings hereby permitted shall be occupied until such time as the off-site highway works at the junction of Ashby Road and Melbourne Road, being the improvement of pedestrian crossing facilities, new domed central islands and changes to kerblines, as shown on Travis Baker drawing no. 12038-1 Rev B have been completed.

Reason - to improve pedestrian access to the site and capacity of the junction.

- 15 No more than 25 dwellings shall be occupied until such time as the off-site highway works at the Co-Op roundabout at the junction of Ashby Road and Leicester Road, being the improvement of pedestrian crossing facilities, and changes to kerblines, as shown on Travis Baker drawing no 12038-2 have been completed.

Reason - to improve pedestrian access from the site to services in Ibstock.

- 16 No more than 50 dwellings shall be occupied until such time as the off-site highway works at the new junction for the development onto Station Road, being a mini-roundabout and gateway feature, as shown on Travis Baker drawing no. 12038-Fig 4 Rev D have been completed.

Reason - to provide a suitable access to the site.

- 17 Vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the highway. The wheel washing facilities provided shall be so maintained for the operational period of the development hereby permitted.

Reason - to reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.

- 18 For the period of construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

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

construction.

- 19 The development shall be carried out in strict accordance with the Residential Travel Plan produced by Travis Barker on the 9th January 2014, and submitted to the Local Authority on the 15th January 2014, as discharged under application reference 12/00453/FULM.

Reason - to ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from site.

- 20 The 101st dwelling constructed as part of the development shall not be occupied until such time as footpath Q69 has been provided along the route shown by a broken black line on the plan provided by Leicestershire County Council and appended to the decision notice for application reference 12/00453/FULM.

Reason - to ensure the preservation of an existing Public Right of Way.

- 21 The directional signage for the public footpaths network shall be provided in strict accordance with the drawing titled Public Footpath Sign (Leicestershire), received by the Local Authority on the 18th November 2014, and in the position shown on drawing number PC0276_FD_001, received by the Local Authority on the 7th November 2014, to a height of 2.2 metres as discharged under application reference 14/00171/VCUM. The signage shall now be provided before the occupation/use of the 101st dwelling on the site and shall thereafter be so retained.

Reason - in the interests of providing robust pedestrian connectivity to the wider public footpath network.

- 22 The boundary treatments scheme on the site, excluding Plots 109-118, 150-155 and 176-183, shall be provided in strict accordance with that specified on drawing numbers EMS.2249_16 (Illustrative Layout (Sheet 1 of 4)), EMS.2249_17 (Illustrative Layout (Sheet 2 of 4)), EMS.2249_18 (Illustrative Layout (Sheet 3 of 4)) and EMS.2249_19 (Illustrative Layout (Sheet 4 of 4)) as well as in accordance with the details shown on drawing numbers SD-9-02 (1.8M Close Boarded Fence); SD-9-03 (1.8M Screen Wall) and SD-9-04 (Proposed Boundary Detail - Decorative Screen Timber Fence Detail), received by the Local Authority on the 24th September 2013, and as discharged under application reference 12/00453/FULM. The boundary treatments for Plots 109-118, 150-155 and 176-183 shall be provided in strict accordance with those specified on drawing number IBS-FEN-02D, received by the Local Authority on the 16th November 2015. 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 (as amended) (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 and to ensure an appropriate form of design.

- 23 The bin storage areas for the dwellings shall be provided in strict accordance with the information shown on drawing number PC0276_200_005, received by the Local

Authority on the 18th November 2014, and as discharged under application reference 14/00171/VCUM. The development shall now be carried out in accordance with the approved scheme.

Reason - to ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity and 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 at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 Prior to any works associated with the surfacing of the footpath being carried out, the County Council's approval should be obtained to the specification for this purpose. The Company should contact the Rights of Way Inspector for the area, Mr A. Perry, who is based at the Northern Area Highways Office, Mountsorrel (Telephone No. 0116 305 0001). The Developers will otherwise be responsible for ensuring that the legal line of footpath Q69 is not affected by any operations associated with the development, and that free access can be exercised safely by pedestrians at all times. Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction works, and whether appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the footpath, particular attention should be given to ensuring that no materials are stored on the line of the right of way and that no Contractor's vehicles are parked either along or across it.
- 3 Any damage that may be caused to the surface of the footpath while the development is being carried out will be the responsibility of the Developers to repair at their own expense, to the satisfaction of the Highway Authority.
- 4 The Developers should also be advised that no additional structures either of a temporary or a permanent nature should be placed across the route of footpath Q69 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 Pegasus Urban Design layout plan no EMS.2249_05-4 Rev D is generally acceptable to the highway authority, however the following concerns need to be resolved should the applicant seek to have the roads adopted:
 - The internal dimensions of the garages need to be clarified;
 - More information needs to be provided about the carports over drives to determine whether they are wide enough to accommodate vehicles and whether they will be gated;
 - Provide tracking to ensure cars can turn out of parking area for Plot 113;
 - Trees and grassed areas not required for the highway (but proposed to form part of the adopted highway) will attract a commuted sum;
 - Speed tables need to finish well clear of drives e.g. Plot 34;
 - The speed reducing chicane feature will need to be designed to accommodate buses
 - Gates need to be set back five metres to allow parking in front of them without overhanging the highway e.g. Plots 61/62;
 - The footpath on the east side linking to footpath Q69 will be adopted (and needs to be tarmaced and lit as it provides a route to school and the village centre).
- 6 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.
- 7 Public footpath Q69 crosses the site and will need to be diverted to accommodate the proposed layout of the development. This cannot be carried out without obtaining separate consent from Leicestershire County Council.
- 8 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.
- 9 The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plan shall be submitted and approved in writing by the Highways Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
- 10 If you intend to provide temporary directional signage to your proposed development, you must ensure that prior approval is obtained from the County Council's Highway Manager for the size, design and location of any sign in the highway. It is likely that any sign erected in the Highway without prior approval will be removed. Before you draw up a scheme, the Highways Managers' staff (tel: 0116 3050001) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work.
- 11 In relation to Condition 21, in the interests of the desirability, safety and security of pedestrians using the route, the footpath should comprise a minimum surfaced width of 2.0 metres, together with grass borders of at least one metre along either side, in accordance with the County Council's Guidance Notes for Developers which are incorporated within Part 3, Section DG7 of the 6Cs Design Guide. The application of these criteria should ensure that the path does not appear narrow and unattractive to users, but retains a more open aspect instead. If this will not be practicable, the Applicant will need to apply to the District Council for the making of an Order in respect of the official diversion of the footpath, before any development directly affecting its existing line is commenced.
- 12 The Council has previously advised that it is keen to secure low vehicle speeds throughout the development. The applicant has advised that the absence of white lining will be one of the measures used to keep vehicle speeds low. The Council has advised that it wishes to see this approach taken forward through to detailed design but has also advised that this will require close co-operation with the Highways Authority that has previously advised that such an approach would need to be supported by a safety audit.
- 13 In relation to Condition 6, the Local Planning Authority expects the following:
- All pedestrian paths within the development including through areas of public open space to be illuminated by mains powered lighting;
 - The applicant is advised that in accordance with the Forest inspired ethos of the development the lighting unit should seek to feature a timber element.
- 14 In relation to Condition 24, the Local Planning Authority expects the following:
- The Council requires 1.25sq/m per unit for bin collection points. The bin collection points should be surfaced with a block material and demarcated as such by a metal plate affixed to the surface reading 'Waste and Recycling Collection Point.'
 - In relation to covered bin stores the Council requires 2.11 sqm per unit.