

Executive Summary of Proposals and Recommendation

Proposal

This application seeks outline planning permission (with access, layout and scale included for determination) for the erection of eight dwellings with associated garaging and an access road at land off Measham Road, Appleby Magna. The site is currently a grassed field/paddock lying on the eastern side of Measham Road which is adjoined by residential properties, an open field, a dilapidated building and Measham Road. Five of the dwellings would be served by a private drive and face onto Measham Road, with the other three dwellings being located on the rear of the site. Access to the site would be via the existing site entrance (which will be altered and widened) onto Measham Road.

Consultations

Members will see from the main report below that objections have been received in respect of the proposals, including from Appleby Magna Parish Council, with 26 letters being received from members of the public. The objections cover several different issues, broadly but not exclusively relating to the principle and sustainability of the proposal, highway safety, impact on the character of the area, flood risk and drainage. The County Highway Authority has objected in relation to the sustainability of the site's location. No objections have been received from any other statutory consultees.

Planning Policy

The site lies within the Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also material to the determination of the application is national guidance set out in the National Planning Policy Framework (NPPF) including relating to the supply of housing.

Conclusion

Whilst the site constitutes greenfield land, its release for housing is considered suitable in principle, particularly having regard to the need to release sites in order to meet the District Council's obligations in respect of housing land supply (and the approach taken in respect of such within the NPPF). Whilst there would be harm to the Sensitive Area it is considered that a reason for refusal based on the proposal resulting in an adverse impact on the character, form and setting of the village and streetscene could not be justified in this case. The scheme is considered to be acceptable in terms of its density, design and layout and impact on trees. The proposal would result in less than substantial harm to designated and undesignated heritage assets as there would not be an adverse impact on the setting of the listed and unlisted buildings, there would not be a negative impact on the character and appearance of the Conservation Area and any archaeological remains can be investigated. The less than substantial harm to the heritage assets and the harm to the Sensitive Area is in this case considered on balance to be outweighed by the site's contribution to the District's housing land, the provision of two affordable homes, a contribution under the River Mease DCS which will improve the quality of the River Mease SAC and improvements to the village's drainage system. The proposal is unlikely to result in significant levels of noise and disturbance to existing residents and would not result in significant detriment to occupiers of properties on Measham Road and Stoney Lane in terms of loss of privacy, overshadowing and impact on outlook. A reason for refusal on the grounds of significant detriment occurring to residents of Old End could not be justified. It is considered that the proposal would not adversely affect protected species. Reasons for refusal relating to highway safety, flood risk and capacity of the drainage system could not be sustained in this case. It can be ascertained that the proposal site would not, either alone or in combination with other plans or projects, have a significant effect on the

internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. The proposed obligations would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations, and would represent appropriate contributions towards the infrastructure and other needs of the proposed development. The proposed development would, overall, be considered to constitute sustainable development as defined in the NPPF and, as such, benefits from a presumption in favour of such development as set out in that document. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION:-

PERMIT, SUBJECT TO 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 and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Outline planning permission (with access, layout and scale included for determination) is sought for the erection of eight dwellings with associated garaging and an access road at land off Measham Road, Appleby Magna. As access, layout and scale are included at this stage, the layout for the site, the position of the access and the maximum dimensions of the proposed dwellings are included, but the design of the dwellings has not been provided, although illustrative 3D views have been submitted.

The site is currently a grassed field/paddock lying on the eastern side of Measham Road which is adjoined by residential properties, an open field, a dilapidated building and Measham Road. Land levels increase approximately by up to 1.5 metres from south to north and by up to 1.7 metres from east to west, with the site being higher than existing dwellings on Stoney Lane and Old End. The submitted plans do not show any significant change in land levels.

The 8 dwellings comprise five detached properties and a terrace of three dwellings, with one of these indicated to be three storey in height, six to be two storey and one to be single storey. The application also indicates that four properties would have four bedrooms, two would have three bedrooms and another two would have two bedrooms. The scheme would provide for 25% affordable housing (two dwellings) with the single storey property being available for rent and the other being intermediate/shared ownership.

Five of the dwellings would be served by a private drive and face onto Measham Road with the other three dwellings being located on the rear of the site. Access to the site would be via the existing site entrance onto Measham Road (which would be altered in terms of its width and alignment), which is located in the site's north west corner. The mature trees that currently lie along the southern part of the site's boundary with Measham Road are shown to be retained, although part of the frontage hedgerow, vegetation and a tree to the north of the access would be removed and replaced to allow for access alterations and visibility splays. Hedgerows and trees located on the other three boundaries will be retained.

Amended plans and additional information have been submitted during the course of the application to address officer concerns relating to layout and design, impact on trees, management of landscaped areas and flooding/drainage.

The site lies within the catchment area of the River Mease Special Area of Conservation. The boundary of the Appleby Magna Conservation Area lies between five and nine metres to the east of the site and adjoins the site along part of its northern boundary. Nos. 11, 15, 17 and 19 Old End are identified as unlisted buildings of interest in the Appleby Magna Conservation Area Appraisal. The Church of St Michael is a Grade 2* listed building.

Planning history:

- erection of 12 dwellings -outline (95/0889) refused in December 1995 on the grounds of detrimental impact on the character of the area and dismissed on appeal in February 1997 on the grounds of detrimental impact on the character of the area with concerns raised in relation to prematurity;
- erection of 11 dwellings - outline (88/0948) refused November 1988 on the grounds of the site being in the countryside, sufficient land being available for housing, detrimental impact on the character of the area and setting a precedent in relation to highway safety;
- erection of one dwelling - outline (84/0225) refused April 1984 on the grounds of the site being

in the countryside, detrimental impact on the character of the area and setting a precedent in relation to highway safety.

The proposal has been assessed in respect of the Environmental Impact Assessment (EIA) Regulations 2011. Whilst the proposal is classed as development under paragraph 10(b) of Schedule 2 to the Regulations it has been concluded that this proposal does not constitute EIA development under the 2011 Regulations as its impacts are considered to not be significant and can be considered as part of the planning application.

2. Publicity

15 neighbours have been notified (Date of last notification 24 October 2013)

Site Notice displayed 9 January 2014

Press Notice published 22 January 2014

3. Consultations

Appleby Magna Parish Council consulted 24 October 2013

Development Plans consulted 10 December 2013

NWLDC Tree Officer consulted 1 November 2013

English Heritage- major dev in CA consulted 1 November 2013

DEFRA consulted 13 January 2014

County Highway Authority consulted 25 October 2013

Environment Agency consulted 25 October 2013

Severn Trent Water Limited consulted 25 October 2013

Head of Environmental Protection consulted 25 October 2013

Natural England consulted 25 October 2013

County Archaeologist consulted 25 October 2013

LCC ecology consulted 25 October 2013

NWLDC Conservation Officer consulted 25 October 2013

Manager Of Housing North West Leicestershire District Council consulted 25 October 2013

4. Summary of Representations Received

Statutory Consultees

Appleby Magna Parish Council objects on the following grounds:

'- No indication of how surface water will be managed, Cllr Butler is the Flood Warden for the village and as such liaises with various key contacts such as Severn Trent; in 2012 the Snarestone works only had capacity for 51 new dwellings, to include Appleby Magna and Snarestone; since then Appleby Magna has approved 10 and Snarestone has approved some (figure unknown to us, but you will have details); therefore the Parish Council needs an update on capacity as the pumping station pumps to the Snarestone works.

- Currently there is major back-flooding in Appleby Magna, especially in the Black Horse Hill area and Severn Trent states that Appleby Magna has major problems with water management; they are having to pump out on a regular basis due to the lack of capacity of the pumping station; more development in the village can only exacerbate the problem.

- Access issues - the location is not right for development, the area is too high and water drainage is a major issue.'

The Parish Council also advises that if density was reduced to a few proposed dwellings, this could be considered again, once infrastructure problems are resolved in the village.

The Parish Council also states that *'There is a village survey being carried out (an unbiased, objective questionnaire) re development within Appleby Magna - the results are not yet available, but we will pass these to you on receipt, this, with other planning matters can be discussed when you meet with Councillors to review the planning applications.'*

The Parish Council also *'wishes to register interest in any Section 106 funding, should this become relevant - this would be useful to the village and Councillors are open to discussion in the future based on mutually agreed planning applications - however, this does not in any way give approval to any large scale planning applications as long as the infrastructure and inadequate water management in the village remains as is.'*

The Parish Council goes onto state the following:

'All of the above applications are responded to by the Parish Council using material considerations, Councillors have acted fairly, openly and apolitically, approaching each application with an open mind and avoiding pre-conceived opinions, all issues have been carefully weighed up and they determined each application on its individual planning merits, avoiding undue contact with interested parties, clearly stating reasons for their decisions.'

It is interesting to note that Christine Fisher, Chief Executive of NWLDC stated in a letter sent 14th October 2014 re Churchyard of St Michael and All Angels, Appleby Magna regarding further burial land - "It is also unlikely that there will be any major development in Appleby Magna that would attract significant 106 funding." ... this leads the Councillors to feel that their major concerns with the infrastructure of the village are generally held.

Appleby Environment believes, in light of the cumulative effects of the various housing developments, and taking account of guidance set out in the NPPF on the importance of such cumulative effects, that NWLDC is required to commission an Environmental Impact Assessment (EIA). This is required to assess the cumulative effects of the proposed developments. This has to be undertaken prior to the determination of these residential applications.

The Parish Council works closely with Appleby Environment and other key interdependents to ensure the village is looked after and is sustained (and grows) in a strategic and robust manner, taking into account all factors which impact residents and are also material planning considerations, such as water management, road use, access/egress issues, sewage management and ensuring Appleby Magna sustains its character.

Furthermore the Parish Council initially made the following comments:

'In the absence of an approved NWLDC Core Strategy we would ask that the total number of dwellings for all the applications be taken into consideration. The rejected Core Strategy considered Appleby Magna as a sustainable village and as such would share a quantity of new dwellings with the other sustainable villages. The proposed quantity was 80 between all the sustainable settlements; the proposals before the Council would exceed this level by 20% in a single community. There are several new dwellings already approved or awaiting approval prior to these applications giving a total of 9 new dwellings to be constructed. Please note that the Parish Council does not object to some development within the village, but feels that the proposed 9 dwellings plus 1 or 2 more would more than satisfy this village's quota towards the 5 year plan.

A major point of concern is the current flooding issues associated with a stream running through the village, this causes flooding in Church Street, Mawbys Lane, Duck Lake, Black Horse Hill

and Old End as well as the Caravan Park off Measham Road. The Caravan Park off Measham Road is also the location of the main Severn Trent Water sewage pumping station for the village. With reference to the Severn Trent Water letters included in the Flood Risk Assessments for Applications 13/00797/FULM and 13/00799/FULM which states "the Village system is currently experiencing some hydraulic sewer flooding problems". These problems are associated with Black Horse Hill, Duck Lake, Old End and the Caravan Park off Measham Road. One resident of Black Horse Hill is currently unable to reside in the property because of these known problems. The application 13/00809/OUT would add to this problem and the dwelling may also be affected by it. The Parish Council would ask that further investigation of these known issues be carried out before adding to this problem.

The application 13/00799/FULM is on land that is currently subject to an Application for Village Green Status under consideration by Leicestershire County Council, the Parish Council ask that this be taken into consideration when assessing this application. It is our understanding that planning applications appertaining to Village Green land should be frozen, awaiting conclusion. There are also concerns about traffic movements on the single track section of Bowleys Lane from the proposed entrance to this development to its junction with the A444.

The Parish Council requests that all of the above applications be deferred until the key, serious issues relating to infrastructure, highways and footpaths are sorted out and professional reports requested and received for due consideration by all parties.'

The County Highway Authority recommends refusal on the following grounds:

'The Applicant has failed to demonstrate that their proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport. Leicestershire County Council policy contained in the Local Transport Plan 3 seeks to deliver new development in areas where travel distances can be minimised, and genuine, safe and high quality choices are available (or can be provided) for people to walk, cycle and use public transport facilities and services nearby. The LTP3 reflects Government guidance contained in the NPPF.'

English Heritage recommends that the Authority's Archaeological Advisor should be contacted for advice in relation to impacts on archaeological remains. English Heritage also advises that the application should be determined in accordance with national and local policy guidance and on the basis of the Authority's specialist conservation advice.

The Council's Conservation Officer has no objections.

The County Archaeologist has no objections subject to conditions.

Severn Trent Water has no objection subject to a condition.

The Environment Agency has no comments to make.

Natural England has no objections.

The County Ecologist has no objections provided the site is developed in accordance with the outline masterplan.

The Council's Tree Officer requires some amendments to be made to the layout.

The Council's Environmental Protection team has no environmental observations or comments in relation to contaminated land.

The Council's Affordable Housing Enabling Officer has no objections.

Third Party Representations

26 letters of representation have been received which object on the following grounds:

Principle and Sustainability

- all applications for new housing in Appleby Magna need to be considered at the same time;
- all applications will need to be delayed pending outcome of the Village Green application as this takes precedence;
- cumulative impact on village of proposal needs to be considered alongside other applications for new houses;
- Environmental Statements need to be undertaken to consider cumulative impacts;
- under the Core Strategy quota of new houses for Appleby Magna anticipated at 8-10 dwellings;
- under last Local Plan large scale developments unacceptable in the village;
- professionally established local need should be met by specific allocation;
- large scale development of the village would be unsustainable as the three tests in the NPPF would not be met;
- cumulative number of dwellings proposed is disproportionate to the size and character of the village;
- the village cannot absorb more than small scale development due to limited public transport, facilities, jobs and infrastructure;
- unsustainable demands on local services and possible creation of tensions within the community;
- difficult to increase limited capacity at Sir John Moore School as it is a Grade 1 listed building;
- current consultations to close GP surgery and reduce bus service;
- impact on local village shop;
- limited capacity at Snarestone Treatment Works;
- limited capacity of local drainage system;
- limited capacity of electricity supply cables;
- limited capacity of internet/broadband links to the village;
- increase in car journeys which will increase carbon emissions;
- Strategic Housing Land Allocation Assessment is flawed;
- house sizes need to complement those already in the village;
- lack of affordable homes;
- minimum number of affordable homes will be provided;
- little evidence of need and demand for new homes in the village as a number of homes currently for sale and have been for some time;

Visual Impact and Historic Environment

- this site has been assessed as fundamental to the character of the village in previous applications;
- details of housing layout and design should be provided;
- contrary to Appleby Magna Village Design Statement;
- impact on character of area including extending beyond existing village boundary and loss of open rural aspects and open spaces within the village;
- rural aspect of the village from approach roads and uninterrupted views to landmark buildings in their settings should be retained with solid blocks of housing at the edge of the village avoided ;
- executive style housing should be discouraged or forbidden;
- village will lose its identity;
- consideration needs to be given to impact on Conservation Area;

Residential Amenities

- loss of light;
- impact on tranquillity of area;
- impact on lifestyle;
- impact on greater number of dwellings than listed in the application;

Flooding and Drainage

- current issues with flooding along Old End will be exacerbated;
- water runoff from site has flooded a property on Old End;
- loss of natural drainage currently provided by the site;
- increase in surface water runoff from the site;
- potential pollution problems need to be considered;

Highway Safety

- village road network does not have the capacity and is not suitable for extra traffic;
- additional traffic will cause congestion;
- additional traffic will have significant detrimental impact on health and safety of road users and residents;
- poor visibility at junction of site access and Measham Road;
- Measham Road is narrow and has poor street lighting;
- high speeds of traffic in particular from large lorries;
- speed restrictions must be extended;
- lack of footway along Measham Road;
- not enough parking spaces so on-street parking will increase;
- new access on opposite side of Measham Road was previously not allowed;

Ecology

- impact on and loss of wildlife;
- loss of trees and hedgerows;

Other Matters

- loss of view;
- impact on property values;
- financial compensation required if permission granted;
- setting of a precedent;
- policies from current Local Plan are still in place and maintained in emerging Core Strategy;
- selective use of policy in application submissions;
- high probability that land will be sold on and plans changed to higher densities and lower quality design;
- concerns in respect of commerciality and viability of proposals due to potential impact of HS2;
- HS2 may dissuade potential buyers and result in half-finished building sites.

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

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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 (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.

Paragraph 17 sets out the 12 key principles that should underpin plan-making and decision-taking, which include:

- proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity;
- take account of the different roles and character of different areas, including recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate;
- contribute to conserving and enhancing the natural environment and reducing pollution;
- encourage effective use of land by reusing land that is previously developed;
- conserve heritage assets in a manner appropriate to their significance;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling;
- take account of and support local strategies to improve health, social and cultural wellbeing.

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

"Paragraph 14 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission 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."

"32. ...Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

"34. Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas."

"47. To boost significantly the supply of housing, local planning authorities should:

- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to

provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land..."

"49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

"54. ...Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs."

"55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities."

"57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

"59. Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

"61. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."

"100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere."

"112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality."

"118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest; ...
- opportunities to incorporate biodiversity in and around developments should be encouraged..."

"119. The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."

"123. Planning policies and decisions should aim to...avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development..."

"131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

"132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting...."

"133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss or all of four other criteria apply."

"134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

"135. The effect on the significance of a non-designated heritage asset should be taken into account in determining the application.

"139. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets."

"173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."

"203. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204. Planning obligations should only be sought where they meet all of the following tests:

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

North West Leicestershire Local Plan:

The East Midlands Regional Plan (RSS8) has now been revoked and therefore no longer forms part of the development plan. The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan 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:

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan.

Policy S2 states that development will be permitted on allocated sites and other land within the Limits to Development where it complies with the policies of the Local Plan.

Policy E1 states that development will not be permitted within the Sensitive Areas which would adversely affect or diminish the present open character of such areas and the contribution they make to the settlement, streetscene or relationship with adjoining countryside.

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees.

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 seeks to provide appropriate landscaping in association with new development.

Policy E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy E30 seeks to prevent development which would increase the risk of flooding and remove the extra discharge capacity from the floodplain of the River Mease.

Policy T3 requires development to make adequate provision for vehicular access and circulation and servicing arrangements.

Policy T8 sets out the criteria for the provision of parking associated with development. In relation to car parking standards for dwellings, an average of 1.5 spaces off-street car parking spaces per dwelling will be sought.

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst other things, public transport and services.

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account a number of issues including housing mix, accessibility to centres and design.

Policy H7 seeks good quality design in all new housing development.

Policy H8 provides that, where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal.

Policy L21 sets out the circumstances in which schemes for residential development will be required to incorporate children's play areas. Further guidance is contained within the Council's Play Area Design Guidance Note Supplementary Planning Guidance.

Other Guidance

Submission Core Strategy

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

The Conservation (Natural Habitats &c.) Regulations 2010 (the 'Habitats Regulations') provide for the protection of 'European sites', which include Special Areas of Conservation (SACs).

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

River Mease Water Quality Management Plan - August 2011 draws together all existing knowledge and work being carried out within the SAC catchment, along with new actions and innovations that will work towards the long term goal of the achievement of the Conservation Objectives for the SAC and bringing the SAC back into favourable condition.

The River Mease Developer Contributions Scheme (DCS) - November 2012 is relevant to development which results in a net increase in phosphorous load being discharged to the River Mease Special Area of Conservation (SAC). It currently applies to all development which contributes additional wastewater via the mains sewerage network to a sewage treatment works which discharges into the catchment of the River Mease SAC.

The Community Infrastructure Levy Regulations 2010 provide a legislative requirement that an obligation must meet the following tests:

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

NWLDC SPD for Affordable Housing - January 2011

Key Principle AH2 provides that affordable housing will be sought on all sites of 5 or more dwellings in areas outside the Greater Coalville Area, Ashby de la Zouch and Castle Donington.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within areas outside the Greater Coalville area and Ibstock.

NWLDC SPG - Play Area Design Guidance - July 2002 sets out the relevant requirements in respect of children's play provision required in association with residential development.

Appleby Magna Village Design Statement The purpose of the Village Design Statement is to influence the planning process so that any further development and change within the village and the surrounding countryside will be managed in a way that protects and enhances the qualities that give Appleby its special character, by taking into account local knowledge, views and ideas.

Appleby Magna Conservation Area Appraisal and Study SPG identifies individual factors considered to have a positive impact on the character of the Conservation Area. These factors include principal listed buildings and unlisted buildings of interest in the vicinity of the site.

6. Assessment

The main issues for consideration in the determination of this application relate to the principle and sustainability of the proposal, loss of the Sensitive Area, design and visual impact and its impact on the historic environment, trees, residential amenities, highway safety, drainage and flood risk, protected species/ecology and on the River Mease Special Area of Conservation, and the provision of affordable housing and developer contributions.

Principle of Development

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

In terms of the Local Plan, the site lies within the Limits to Development, where under Policy S2 development will be permitted where it complies with the policies of the Local Plan. In determining the application, regard must be had to other material considerations, including other policies, such as other Development Plan policies and national policies.

In terms of the Local Plan, Policy H4/1 identifies that, in releasing appropriate land for housing, the Council will have regard to:

- up-to-date housing land availability figures;
 - the latest urban capacity information;
 - the need to maintain an appropriate supply of available housing land;
 - lead times before houses will be expected to be completed and build rates thereafter;
- and
- other material considerations.

Whether or not this site would be considered "appropriate" is a matter of judgement; this policy sets out criteria relevant to release of land and insofar as the site's location is concerned, it is within the Limits to Development and it is well related to the existing built up area of the settlement and would not result in isolated development in the countryside.

In terms of the site's greenfield status, it is accepted that the site does not perform well. However, this issue needs to be considered in the context of the need to demonstrate and maintain a five year housing land supply in the District, and the need for sites to be released to meet this need. Given the need to provide significant areas of housing land as set out below, it is considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan. Furthermore in respect of Policy H4/1, this would represent a policy relating to the supply of housing and, as such, its relevance also needs to be considered in the context of paragraph 49 of the NPPF (considered in more detail under Housing Land Supply below).

Housing Land Supply

The NPPF requires that the Council should be able to identify a five year supply of housing land and include an additional buffer of 5% or 20% depending on previous performance in terms of delivery of housing. The appeal decision of May 2013 in respect of land south of Moira Road, Ashby de la Zouch, found that the "Sedgefield" approach should be used (an approach to assessing land availability also suggested as appropriate within the draft National Planning Practice Guidance) and that a buffer of 20% should be allowed for. On this basis, the District Council's most recent calculations indicate that the Council is only able to demonstrate a supply of 4.7 years which represents a significant shortfall vis-à-vis the requirements of the NPPF.

The consequences of an inability to demonstrate a five year supply are profound. Paragraph 49 of the NPPF advises that "Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites". The Council would not, in these circumstances, be able to rely on adopted Local Plan Policy H4/1 as, being a policy that constrains the supply of housing land it is considered to be out of date (see the Moira Road appeal decision referred to above).

In addition, consideration must be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

Sustainability

As set out above, the application site is an unallocated site located within the Limits to Development in the adopted Local Plan. The County Highway Authority (CHA) raises concerns as it considers that the applicant has failed to demonstrate that the proposal is in a location where services are readily available and safely accessible by a variety of modes of transport. These are issues which Policy H4/1 of the Local Plan deals with. Notwithstanding the status of Policy H4/1 as mentioned above, since its adoption the NPPF has been published.

In terms of the sustainability of the site, Appleby Magna provides a good range of day to day facilities, i.e. a primary school, shop/Post Office, church, church hall, two public houses, GP surgery, play area/recreation ground and some small-scale employment sites. It should be noted that public consultation was undertaken at the end of 2012 to close the GP surgery so patients would have to attend the surgery in Measham (3.05km away), although the outcome of the consultation is not yet known.

There is also a limited public transport service; the No. 7 service currently provides a service Monday to Saturday (approximately every 1.5-2 hours) from 8.10am to 5.48pm which serves Measham, Ashby de la Zouch, Atherstone and Nuneaton with 4-5 buses running per day. Public consultation was also undertaken at the end of 2012 to reduce the bus service so it operates every four hours.

In terms of distance to amenities, the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' details the distance of 800 metres is considered to be the preferred maximum walking distance to a town centre with 400 metres acceptable and 200 metres being desirable. The Inspector in the Moira Road appeal referred to the DoT statistics which detail that the average trip length regularly undertaken by the population of Great Britain is, on average, walking about 1Km (0.62 miles), cycling about 4.5Km (2.8 miles) and by bus about 8Km (4.97 miles). Below are the approximate distances from the centre of the site to local facilities and services via the existing footway network:

Bus Stop - 270 metres
Primary School - 1.22km
Shop/Post Office - 470 metres
Play Area/Open Space - 700 metres
Church Hall - 400 metres
Public House - 480 metres

The application site is within 800 metres (preferred maximum walking distance) of the majority of the services listed above, apart from the school, which is located outside the main village. The level of services available is considered to be good for a rural village although the public transport connectivity is considered to be poor. Given the small scale of the development it is considered that the proposal would not result in unsustainable demands on local services and facilities. Taking all of these matters into account, it is considered that the site would be located within a sustainable area.

Scale of Development

It is appropriate to consider the scale of the proposed development compared to Appleby Magna so as to understand its potential impact upon the scale and character of the village.

It is estimated that there are 433 properties in the village of Appleby Magna within its main built up area. This proposal for 8 dwellings would represent a 1.8% increase in the existing number of dwellings. There are 485 properties in the Parish of Appleby Magna; an additional 8 dwellings would represent a 1.6% increase in the existing number of dwellings. It is therefore considered that the scale of this development alone would be not detrimental to the scale and character of the village.

There are outstanding applications in Appleby Magna for the development of 26 dwellings (Bowleys Lane), for up to 32 dwellings (Top Street) and for 73 dwellings (Measham Road). However given the small scale of the proposal and that these applications are still under consideration, cumulative impact will be assessed as part of these larger applications at a later Planning Committee.

Loss of Agricultural Land

Also of relevance to the principle of releasing the site is the issue of loss of agricultural land. The site is currently a paddock although it is not clear if it is in active agricultural use. However the development of the site would result in an irreversible loss to non-agricultural use. DEFRA has been consulted on this issue, but no response has been received.

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

However, it is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost (with medium and high impacts defined as those resulting in loss of between 20 and 50ha, and those of 50ha and above respectively). The site is approximately 0.37 hectares in size. It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process, which in this case would be

small in scale but irreversible as there are no areas of open space/landscaping that would be large enough to accommodate an agricultural use in the future.

Nevertheless it is not considered that the proposed development sits particularly comfortably with the requirements of the NPPF and, in particular, the aims of paragraph 112. However, this would need to be weighed against other material considerations and, whilst there would be adverse impacts in this regard, these concerns would not be so significant as to outweigh the considerations in favour of the scheme. When considered in the context of the five year housing land supply issue, and the benefits of releasing the site to assist in maintaining such supply, it is considered that the agricultural land quality issue is not sufficient to suggest that planning permission should be refused, particularly given the relatively limited extent of the loss (i.e. 0.37ha).

Conclusions in respect of the Principle of Development and Planning Policy

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The site is within Limits to Development in the adopted Local Plan. The site's general suitability for housing (given its relationship to existing dwellings and distance to services/facilities) is also material, together with the need for the District to release land for housing to ensure the provision and maintenance of a five year supply of land and to accord with the Government's intention to stimulate growth through a presumption in favour of sustainable development (as set out in the NPPF). An important consideration is also that the Council must demonstrate and maintain a five year supply of housing land (with a 20% buffer) as required by the NPPF, which is considered to be a material consideration of some significance.

Having regard to the three dimensions of sustainable development, it is accepted that the contribution to the economic growth associated with the proposed development, coupled with the role played in contributing to housing land supply and the provision of affordable housing, would ensure that the scheme would sit well in terms of the economic and social dimensions. Insofar as the environmental role is concerned, whilst the proposed development would result in the development of a greenfield site, as set out in more detail below, the proposed development would not result in any unacceptable impacts on the natural or historic environment. There would be some harm to the built environment but not at a sufficient level to justify a reason for refusal and would be to be outweighed by the other benefits of the proposal. In the overall balance it is considered that the proposal would be a sustainable form of development.

Having regard to all of the above it is considered overall that the proposed development of the site is acceptable in principle.

Sensitive Area and Character of the Area

The site is designated within the Local Plan under Policy E1 as a Sensitive Area. Policy E1 is not considered to be a relevant policy for the supply of housing (see the recent judgment in respect of the application to quash the Secretary of State's decision to dismiss the Stephenson Green appeal), notwithstanding that a contrary view has been taken elsewhere (and including by the Secretary of State on appeal), and accordingly the policy should not be considered to be out of date.

Policy E1 is supported by the advice in the NPPF which seeks to protect valued landscapes as well as its key principles to conserve and enhance the natural environment and recognising the character and beauty of the countryside.

The Inspector's Report into the Local Plan stated that *'the elevated position of the objection site and the open land to its north, as well as the presence of a continuous strong hedgerow boundary along both of their western sides, tend to imply that this site continues the adjoining countryside into the village. To that extent, therefore, the Measham Road aspect of the site in my opinion contributes to the current, semi-rural character of the area.'* The Inspector went onto consider whether the southern part of the site of the Sensitive Area (the garden to the property known as The Elms) should be designated on its own but felt that without designation of the northern part (the current application site), there would be no impediments to its development which in turn would make development of the southern area hard to resist. He therefore concluded that both areas needed to be designated as a Sensitive Area. Therefore whilst it is clear why the site was designated as a Sensitive Area, it appears it was largely required to protect the southern part from future development.

The proposal would diminish the present open character of the Sensitive Area and would therefore be contrary to Policy E1. However an assessment also needs to be undertaken as to whether the proposal would adversely affect the contribution the site makes to the character, form and setting of the settlements and streetscene.

In terms of the character of the site and locality and the guidelines in the adopted Village Design Statement (VDS), the site forms an open space and is part of the semi-rural feel to the approach into the village along Measham Road and the public footpath which runs through the adjacent field to the north. The Village Character section of the VDS indicates that the character of Appleby is essentially rural, there is a strong sense of being in the countryside and natural features contribute to its rural ambience. However the site is well related to the existing settlement with development on three sides and its northern boundary interrupts the flow of the countryside into this part of the village.

The site and its boundary treatments are important elements of the setting and approach to the village as identified in the VDS. The northern hedgerow, which creates a strong sense of enclosure to the site would not be affected. About a third of the frontage hedgerow would be lost, therefore opening up views into the site and making development more prominent, as the western and central parts of the site are elevated above Measham Road. Although replacement hedge and planting would be provided this would take some time to mature. It appears that the majority of the frontage embankment would be retained, as would the group of mature trees at the south western corner thereby retaining most of the boundary treatments that are considered to form an important part of the character of the village. Although the Council's Tree Officer advises that these are in poor condition and not suitable for residential sites, they do form part of the character of the site and streetscene and are shown to be retained. The submitted plans do not show any significant changes to land levels.

Five of the dwellings would front onto Measham Road being set back at least 13 metres from the road and set approximately one metre above the road, which reduces their prominence within the streetscene. Due to their positions, the proposed dwellings would not create a harsh edge to or form a solid block of development at the village boundary. Existing trees and hedgerows further along Measham Road and the site's northern boundary will continue to provide screening, so the character of the area in longer views will not be significantly affected as the site will not be prominent or indeed visible at all.

It is in more immediate views that the site and locality's character will be more affected due to the loss of the site's openness and introduction of development, but on the other hand the current views into the site are quite restricted due to the mature vegetation along the northern

and western boundaries. As noted above most of the site's boundary treatments would be retained and the dwellings would be set back within the site rather than at its frontage. Given the position of the dwellings and the screening it is considered they would not be overly dominant within the street scene. Furthermore the housing on Old End and Stoney Lane and further into the distance already forms the site's backdrop. The number of dwellings has been reduced from the two previous proposals and the layout is very different from the scheme proposed in 1995, which showed dwellings much closer to the road and situated effectively in a circle.

The site also does not form a prominent backdrop to existing properties on Stoney Lane and Old End as it is largely not visible from these roads due to screening by existing dwellings and vegetation, in particular the vegetation to the garden to The Elms.

Whilst the openness of the northern part of the Sensitive Area would largely be lost, the southern area would still be retained. Part of the northern area will be left undeveloped as it now forms garden to Charmant Manor, although this area is well within the site. Also the characteristics of the site do not appear to significantly differ from the adjacent field to the north. Whilst the site makes an important contribution to the form and character of this part of the village, the appeal decision for the last planning application for the site (95/0889) stated that some form of development could be accommodated on the site and had regard to the contribution that the site makes to the character of the area (although at that point the site was not designated as a Sensitive Area). Furthermore if any future applications were submitted for development of The Elms' garden, they would be considered on their own merits, including the importance of this area identified by the Local Plan Inspector.

Whilst the openness of the site will largely be lost contrary to Policy E1 of the Local Plan and the semi-rural character of the streetscene in the immediate vicinity of the site will be affected to some extent, the semi-rural character of the approach to the village along Measham Road in longer views will be largely unaffected. The contribution that the whole of the site makes to the form and character of the streetscene and settlement is limited to some extent given the screening by existing vegetation and development. The boundary treatments will largely be retained and development will set back from the site frontage. Therefore having regard to all of the above considerations, whilst there would be harm to the Sensitive Area it is considered that a reason for refusal based on the proposal resulting in an adverse impact on the character, form and setting of the village and streetscene could not be justified in this case. The impact on the Sensitive Area also has to be considered in the balance of other planning considerations set out above and below.

Density

The proposal results in a density of 21.6 dwellings per hectare, which is below that sought under Policy H6 of the Local Plan (a minimum of 30 dwellings per hectare). The NPPF states that local planning authorities should set their own approach to housing density to reflect local circumstances. This density is considered appropriate having regard to the location of the site in a rural village and the character of the area.

Layout and Design

The proposal provides a mix of housing and although predominantly detached properties, the scheme includes a terrace of three dwellings, including a bungalow, and the dwellings range in size from two to four bedrooms.

In terms of the design of the layout, Plot 1 provides a corner property to provide interest at the site entrance and the position of Plots 6, 7 and 8 and the northern hedgerow create a street

scene along the private drive. A key vista would be created in the view along the drive from Measham Road towards Plot 8 and opportunities for surveillance are available with the corner plots and elevations facing onto parking areas. Although appearance has been reserved for future consideration, illustrative 3D views have been submitted. Plots 7 and 8 appear to have the footprints and scale of more modern executive dwellings but the illustrative drawings show that dwellings with traditional proportions and designs could be provided. The site can accommodate all of the necessary requirements (private gardens, parking/turning space) without being too cramped. The area is also characterised by a mix of property ages, sizes and designs on Old End, Stoney Lane and Measham Road, and the VDS states that there is no over-riding style that characterises the village's appearance. Consideration of how the dwellings' design, details and materials meet the VDS guidelines can be undertaken at the reserved matters stage. Whilst minor amendments to improve the scheme have been sought which the applicant does not wish to undertake, the scheme in its current form is considered to be a housing development that creates dwellings that to some extent reflect the traditional house types within the village whilst fitting in with the existing mixed character of the area. The development's character would be further reinforced by landscape features and building details, such as materials and colour. Based on the above and subject to conditions, the scheme is considered to be acceptable in terms of its design and layout.

Historic Environment

The boundary of the Appleby Magna Conservation Area lies between five and nine metres to the east of the site and adjoins the site along part of its northern boundary. Nos. 11, 15, 17 and 19 Old End are identified as unlisted buildings of interest in the Appleby Magna Conservation Area Appraisal. The Church of St Michael is a Grade 2* listed building and is visible in views along Measham Road. There are also other listed buildings located within the village, with the nearest being the almshouses which are 200 metres to the south, along with the moated site of the former medieval manor house which is a Scheduled Ancient Monument. The Conservation Area and listed buildings are designated heritage assets as defined in the NPPF, with the properties on Old End being undesignated heritage assets. The site also lies within the medieval and post-medieval historic settlement core of the village and buried archaeological evidence can be expected within the site, which would also form a heritage asset.

Appleby Magna is thought to have Saxon origins and it is considered likely that the original settlement may have been in the vicinity of the later St Michael's Church. However evidence of Romano-British activity indicates that the area around the shallow stream valley was farmed and settled much earlier.

The nearest part of the Conservation Area is a residential area with dwellings located on the western side of Old End, although parts of Black Horse Hill are also visible in longer views. The willow trees on the eastern side of Old End are protected by a Tree Preservation Order. The Conservation Area Appraisal states that *'The buildings in the Black Horse Hill/Old End area superficially largely appear to be of a late eighteenth/early nineteenth century date and many are in the local vernacular building tradition. The location of many properties on Old End at right angles to the road suggests that they may be of even earlier origin. Buildings are largely constructed of local red brickwork with blue clay plain tile roofs.* The properties on Old End that are undesignated heritage assets are those that are positioned at right angles to the road.

Therefore the listed and unlisted buildings, the Conservation Area and Scheduled Ancient Monument form an important part of the history of this part of the village and are considered to be heritage assets of some significance which have value for this and future generations.

The contribution made by this site to the setting of the Conservation Area and listed

buildings/Scheduled Monument within derives from its landscape character, which helps reinforce the strong contrast of the rural landscape with the historic village settlement. The survival of the development site in both land use and visual terms helps define the direct historic relationship between the settlement and its agricultural setting. It is accepted that existing 20th century development has impacted on the setting of the medieval village and the setting of the Conservation Area and the continued development of surrounding land is considered harmful to the significance of the designated heritage assets. However the site and the proposed development are small in scale and is not considered to be significantly detrimental to the semi-rural character of the area (as discussed earlier in the report).

The church spire is visible in longer views of the site's frontage from Measham Road to the north although it is seen alongside and screened by existing trees. However it is considered unlikely that the new dwellings would be seen in the foreground to the church. Although at a higher land level the site does not form a prominent backdrop to Old End due to screening by existing dwellings and vegetation. Some of the dwellings on Old End are visible from the site and in views from Measham Road but form the backdrop as they are at a lower land level and are screened by some vegetation. Some of the properties on Black Horse Hill are visible in longer views as the land rises again to the south east. As such the site does not form a significant backdrop or foreground to the Conservation Area. There will also be some separation between the proposed development and the dwellings on Old End due to existing and proposed gardens and the existing boundary. The proposal will therefore have a limited visual impact on the Conservation Area and the unlisted buildings.

The County Planning Archaeologist notes that buried archaeological evidence can be expected within the development area and recommends that conditions can be imposed to allow for the investigation and recording of any archaeological remains that may be found. Neither the Conservation Officer nor English Heritage have any objections. It is therefore considered that the proposal would result in less than substantial harm to or total loss of significance of designated and undesignated heritage assets and would sustain their significance, as there would not be an adverse impact on the setting of the listed and unlisted buildings, there would not be a negative impact on the character and appearance of the Conservation Area and any archaeological remains can be investigated.

Paragraph 134 of the NPPF requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal, including securing its optimum viable use. The VDS requires the historic environment to be conserved, enhanced and respected. The harm to the heritage assets is in this case considered on balance to be outweighed by the provision of eight new homes to contribute to the District's housing land which includes two affordable homes, a contribution under the River Mease DCS which will improve the quality of the River Mease SAC and improvements to the village's drainage system (with the latter two being discussed below in more detail).

Trees

The frontage tree to be removed makes a limited contribution to the street scene and the rest of the trees are shown to be retained, although the Council's Tree Officer advises that the mature trees in the south west corner are in poor condition and would be better replaced. However these trees provide screening to the site. None of the trees are considered to be worthy of retention by Tree Preservation Order. Conditions can be imposed relating to landscaping and boundary treatments.

The canopies of the frontage trees are approximately 10 metres from Plots 3-5. The Tree Officer advises that Plot 8 should be moved further away from a nearby oak tree to ensure long

term compatibility. However the tree survey indicates that Plot 8 would be four metres from this tree's canopy and the applicant does not wish to reposition Plot 8. Given this distance it is considered that on balance a reason for refusal on the grounds of future incompatibility with the tree could not be justified.

Residential Amenities

The access road/turning area would be located over nine metres from existing properties and their gardens and therefore its use is unlikely to result in significant levels of noise and disturbance. Whilst tranquillity in the area may in part be due to the site's current use, it is not unusual to find housing adjacent to other areas of housing, and new housing is unlikely to generate significantly detrimental levels of noise and disturbance.

The outlook from the dwellings on the opposite side of Measham Road towards and across the site would be affected. These dwellings' private garden space is located to the rear. The new dwellings would be at least 19 metres from their front boundaries and 25 metres from the dwellings themselves. It is not an unusual arrangement for dwellings to face each other across the street, even at different land levels, as is the case elsewhere in the village.

The properties on Stoney Lane are located at a lower land level, with the garden to The Elms adjoining the site closest to Plot 5. Plot 5 would be single storey and at least 36 metres from The Elms itself, whose garden is large in size, with an existing hedgerow forming the boundary. Plot 7 would be at least 32 metres from The Elms and 22 metres from its garden. It is therefore considered that the proposal would not result in significant detriment to occupiers of properties on Measham Road and Stoney Lane in terms of loss of light, loss of privacy and creation of an oppressive outlook.

Whilst Plot 7 would be within seven metres of the boundary with Charmant Manor, the dwelling itself would be at least 40 metres away and has a large garden. Plot 7 would be 15 metres from the boundary with No. 11 Old End and 24 metres from No. 11 itself, as well as being 25 metres from the boundary with No. 17 Old End. Parts of Plot 8 would be within 9.5 metres of the boundary with No. 11 and 20 metres from No. 11 itself. However No. 11 has a large rear garden and a hedgerow forms the boundary. Plot 8 would be 15 metres from No. 17's garden, with direct views towards No. 17 largely being obscured by No. 11. Plot 8 would be within five metres of the boundary with No. 21 Old End and within 12 metres of No. 21 itself but the two properties would not be positioned back to back and there is some tree planting in-between.

There is a difference in land levels between the site and dwellings on Old End and some of the distances between Plots 7 and 8 and existing dwellings do not meet the Council's Development Guidelines (which are guidelines only and therefore have limited weight). Permitted development rights could be removed from Plots 7 and 8 given the changes in land levels. However whilst there may be some impact on existing properties in terms of loss of privacy, overshadowing and impact on outlook, given the orientation of the new and existing dwellings, the proposed distances, the size of gardens to properties on Old End and some vegetation being in place on the boundary, it is considered that a reason for refusal on the grounds of significant detriment occurring to residents of Old End could not be justified.

Highway Safety

Concerns have been raised by local residents in terms of poor visibility at the access, speed of traffic along Measham Road, lack of streetlighting and a footway and an increase in on-street parking, as well as in relation to the capacity of the village road network to cope with the traffic generated by this and the three other major housing schemes currently proposed.

The County Highway Authority has no objections in relation to highway safety matters. The Highway Authority's objection on the grounds of the site being in an unsustainable location is addressed earlier in this report. Whilst there is no footway on this side of the road, one is available on the western side which runs into the village, from which Measham Road has to be crossed to continue into the village. Furthermore other dwellings further along Measham Road would have to cross the road to use the footway into the village. The existing access to the site would be widened and altered and visibility splays can be provided in both directions. The Highway Authority's requirements for visibility splays and other technical requirements can be met and at least two parking spaces are proposed per dwelling, with three to four spaces in some cases, all of which can be secured by condition. As the site is served by new access roads, there is likely to be space for any off-street parking to take place within the site. Given the small scale of the proposal it is unlikely that the proposal on its own would adversely affect the capacity of the village road network. The cumulative impact on the highway network will be considered as part of the assessment of the other proposed housing sites in Appleby Magna. As such it is considered that a highway safety reason for refusal could not be sustained in this case.

Drainage and Flood Risk

The site lies within Flood Zone 1 and as it is also under one hectare in size, a Flood Risk Assessment is not required and the Environment Agency has advised it has no comments to make. The application is therefore covered by the Agency's Standing Advice. Natural England has no objections in relation to surface water and Severn Trent Water has no objections subject to the imposition of a condition relating to drainage details. Consideration of the capacity of Severn Trent Water's treatment works is set out below in the section relating to impact on the River Mease SAC.

Concerns have been raised by residents in relation to the capacity of the local drainage network. Severn Trent Water has advised that it is aware of current issues with the sewerage system which is being looked into by its sewer modelling team and it intends to promote a project into its capital programme within the coming months. Severn Trent Water advises that it will not object to the proposal and that a phasing condition should be imposed, which can be drafted as a Grampian condition to prevent occupation of the proposed dwellings until the works to the sewer/drainage system have taken place.

Concerns have also been raised in relation to the natural drainage that the site currently provides to be lost and for surface water (once the site is developed) to flood properties on Old End and the lane itself which are at a lower land level and exacerbate flooding that already takes place. Photographs have been provided to show the extent of flooding that has occurred in the past.

The agent has advised that the site would be developed in a way which will be neutral in terms of surface water runoff, with the dwellings having soakaways and where possible porous hard surfaces. The Environment Agency's guidance in relation to surface water drainage states that '...the main flood risk issue to consider is usually the management of surface water run-off. Drainage from new development must not increase flood risk either on-site or elsewhere. Government policy strongly encourages a sustainable drainage system (SuDS) approach to achieve these objectives.' Best practice is for developments of greenfield sites to ensure surface water runoff discharges at greenfield runoff rates (i.e. the rate at which surface water currently discharges from the site when undeveloped), which is usually set at 5l/sec/ha, and this is required by the Environment Agency in respect of developments of larger greenfield sites and can be secured by condition.

On this basis and given the lack of objection from Severn Trent Water and the Environment Agency it is considered that a reason for refusal relating to flood risk and capacity of the drainage system could be not justified.

Protected Species/Ecology

The site is a paddock with hedgerows and mature trees forming the boundary, is adjoined by a dilapidated building and some large gardens and trees and a pond is located within seven metres. All of these are habitats that can be home to protected species. Natural England refers to its Standing Advice relating to protected species. The majority of trees and hedgerows would be retained and the adjacent building would not be affected. The pond is within an adjacent garden and is separated from the site by an existing hedgerow. The County Ecologist has no objections provided the proposal is carried out in accordance with the submitted masterplan (layout) for the site and has not requested the submission of an ecological survey. On this basis it is considered that the proposal will not adversely affect protected species.

The supporting information also refers to the County Ecologist previously advising that hedgerows should not form garden boundaries as this can result in the loss of sections of hedgerow and a corresponding loss of habitat continuity. However in practice it would be difficult to provide buffer zones to existing hedgerows other than by requiring the erection of post and rail fences to prevent the hedgerows from being affected by domestic activity, which can be secured by condition.

Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC), which was designated in 2005. A tributary to the River Mease lies 54 metres to the east of the site, running along the eastern side of Old End. The 2010 Habitat Regulations and Circular 06/2005 set out how development proposals within an SAC should be considered. Regard should also be had to national planning guidance in the NPPF. During 2009 new information came to light regarding the factors affecting the ecological health of the River Mease SAC, in particular that the river is in unfavourable condition due to the high level of phosphates within it. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal will have a significant effect on the SAC is required.

The River Mease Water Quality Management Plan (WQMP) has been drawn up to ensure there is no adverse impact on the SAC from further development and includes an action to establish a developer contribution framework to fund a programme of actions to restore and provide new benefits to the river. The River Mease Developer Contribution Scheme (DCS) has been produced to meet this action of the WQMP so that the costs of improving the quality of the water in the river are met by potential developers. The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS has been assessed against and is considered to meet the three tests of the 2010 Community Infrastructure Levy Regulations, which are also set out at paragraph 204 of the NPPF.

The application proposes that foul drainage would be dealt with via the mains sewer system and confirms that the applicant will pay the required contribution under the DCS. Natural England has no objections provided the proposal is in full accordance with the DCS and Severn Trent Water has been consulted in relation to capacity to accommodate the flows from the development.

The flows from the new dwellings will need to be taken into account against the existing

headroom at Snarestone Treatment Works, which serves the village. At March 2013 capacity was available for 47 dwellings but this is reduced by the number of dwellings that have already received a permit from Severn Trent Water and/or are under construction, and by the number of dwellings that have been granted planning permission. Taking these into account the capacity available at the treatment works is significantly reduced.

Severn Trent Water has advised that it has verbally agreed with the Environment Agency to change Severn Trent Water's permits, which will enable the transfer some capacity from Packington Treatment Works to Snarestone (in part due to additional capacity becoming available due to the planned closure of the Arla site in Ashby) and that is likely to be take place as this approach has been successfully adopted elsewhere in the SAC catchment area. Severn Trent Water will be formally applying to vary the permits in the coming weeks and it expects that the update permit will be issued in May 2014. As such Severn Trent Water advises that it will not object to the proposal and that if the transfer of capacity has not been agreed by the time the application is determined, then a phasing condition should be imposed, which can be drafted as a Grampian condition to prevent occupation of the proposed dwellings until additional capacity has been provided at Snarestone Treatment Works. As such a reason for refusal based on limited capacity at the treatment works could not be justified.

Whilst a condition relating to details of foul drainage would not normally be imposed, given concerns raised by residents and the Parish Council and confirmed by Severn Trent Water in relation to the capacity of the drainage system, in this case it is considered appropriate. A condition requiring that only a mains connection is used at the site would also be required as the use of other means for foul drainage discharge could adversely affect the SAC. Matters relating to surface water runoff are considered in the section above relating to drainage and flood risk and a condition will be imposed to secure a surface water drainage system.

The site is 54 metres from the nearest tributary to the River Mease, with other existing development located in-between. Therefore there is unlikely to be any direct adverse impact on this stream, in particular from pollution through the surface water disposal system, as the standards for such a system include measures to prevent pollution from entering watercourses.

Therefore based on the above it can be ascertained that the proposal site would not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Developer Contributions

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

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

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

As the site is under 10 dwellings it is under the threshold for contributions relating to healthcare, education, civic amenity sites, libraries, leisure facilities and play area/open space. The site lies outside the National Forest and a request has not been received from Leicestershire Police for a contribution.

The long term maintenance of the landscaped area to the front of the site should be secured, ideally in a legal agreement. However the agent has advised that this would be secured by covenants on the dwellings and given the small area in question it is unlikely that the Parish Council or other organisation would wish to take on responsibility.

A contribution under the River Mease DCS is required (as outlined earlier in the report) but an exact figure for the contribution cannot be determined at this stage as the final size of each dwelling would not be finalised until the reserved matters.

Two affordable homes are proposed, which equates to 25% provision. The Strategic Housing Team advises that this is lower than the 30% provision set out in the Authority's adopted Affordable Housing SPD. However they are happy to accept the offer as the applicant has sought to meet the identified needs of the Parish, with one property being a rented bungalow and the other being a shared ownership dwelling. Also there is a severe shortage of bungalows within the District and inclusion of a bungalow offsets the percentage reduction in overall provision.

Overall it is considered that the proposed obligations would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations, and would represent appropriate contributions towards the infrastructure and other needs of the proposed development. The applicant has agreed to the above two obligations and the legal agreement is currently being negotiated.

Other Matters

In respect of the concerns raised in the letters of representation that have not been addressed above, impacts on views, property values, lifestyle, the capacity of the electricity supply and broadband networks are not planning matters that can be taken into account in the determination of planning applications. Other sites will be affected by a different set of circumstances and it is a fundamental tenet of the planning system that every application is determined on its own merits. There is no mechanism within the planning system for financial compensation to be paid to existing residents. Consideration is given to all policies set out in the Local Plan and the NPPF when assessing planning applications.

The purpose of the Strategic Housing Land Allocation Assessment (SHLAA) is to identify potential sites for housing, in order to inform the housing allocations in the Local Development Framework. The inclusion of the site in the SHLAA does not provide any support for its development for housing. The process associated with the SHLAA is not a matter that can be taken into account in the determination of planning applications.

The Village Green application relates to another site within the village at Bowleys Lane, which is subject to a separate planning application (13/00799/FULM). The Village Green application therefore does not affect the progression of planning applications on separate sites.

Given the proximity of the site to residential properties on three boundaries and that there is only one access to the site, in this case it is reasonable to impose a condition limiting the hours of construction works (as at Measham Road, Moira - 13/00183/FULM).

The site lies 700 metres to the west of the proposed route of HS2. Any potential adverse effects on future residents would be expected to be limited due to mitigation measures to be included in the HS2 design having regard to the need to protect other nearby dwellings. Putting the potential for noise nuisance to future residents to one side, however, it is considered that only

limited weight can be attributed to HS2 as a material planning consideration at this stage in HS2's development. The Government is currently consulting on the proposed Phase 2 (i.e. West Midlands to Manchester and Leeds) connections, and the route is not fixed at this time; Phase 2 is not currently subject to the safeguarding mechanism which applies to the Phase 1 (London to West Midlands) section.

Conclusion

As set out in the main report above, whilst the site constitutes greenfield land, its release for housing is considered suitable in principle, particularly having regard to the need to release sites in order to meet the District Council's obligations in respect of housing land supply (and the approach taken in respect of such within the NPPF). Whilst there would be harm to the Sensitive Area it is considered that a reason for refusal based on the proposal resulting in an adverse impact on the character, form and setting of the village and streetscene could not be justified in this case. The scheme is considered to be acceptable in terms of its density, design and layout and impact on trees. The proposal would result in less than substantial harm to designated and undesignated heritage assets as there would not be an adverse impact on the setting of the listed and unlisted buildings, there would not be a negative impact on the character and appearance of the Conservation Area and any archaeological remains can be investigated. The less than substantial harm to the heritage assets and the harm to the Sensitive Area is in this case considered on balance to be outweighed by the site's contribution to the District's housing land, the provision of two affordable homes, a contribution under the River Mease DCS which will improve the quality of the River Mease SAC and improvements to the village's drainage system. The proposal is unlikely to result in significant levels of noise and disturbance to existing residents and would not result in significant detriment to occupiers of properties on Measham Road and Stoney Lane in terms of loss of privacy, overshadowing and impact on outlook. A reason for refusal on the grounds of significant detriment occurring to residents of Old End could not be justified. It is considered that the proposal would not adversely affect protected species. Reasons for refusal relating to highway safety, flood risk and capacity of the drainage system could not be sustained in this case. It can be ascertained that the proposal site would not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. The proposed obligations would comply with the relevant policy and legislative tests as set out in the NPPF and the CIL Regulations, and would represent appropriate contributions towards the infrastructure and other needs of the proposed development. The proposed development would, overall, be considered to constitute sustainable development as defined in the NPPF and, as such, benefits from a presumption in favour of such development as set out in that document. There are no other relevant material planning considerations that indicate planning permission should not be granted. It is therefore recommended that planning permission be granted.

RECOMMENDATION, PERMIT, subject to the signing of the Section 106 Agreement and the following condition(s):

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 Approval of the details of the appearance and landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason- this permission is in outline only.

- 3 The development shall be carried out strictly in accordance with the following schedule of plans unless otherwise required by a condition of this permission:

- Location Plan (1:1250) received by the Authority on 18 October 2013;
- Drawing No. S1024/02 (Topographical Survey) received by the Authority on 18 October 2013;
- Drawing No. TTP/13/MRAM/01 (forming part of the Arboricultural Survey undertaken by Symbiosis Consulting and dated 17 October 2013);
- Drawing No. 13.2909.06B (Outline Planning Proposals - Sheet 1 of 2) received by the Authority on 7 January 2014;
- Drawing No. 13.2909.07A (Outline Planning Proposals - Sheet 2 of 2) received by the Authority on 7 January 2014.

Reason- To determine the scope of this permission.

- 4 None of the dwellings hereby approved shall be occupied until Severn Trent Water has demonstrated in writing that there is sufficient capacity available at Snarestone Waste Water Treatment Works to take the foul drainage discharge from the whole of the development hereby approved.

Reason- to ensure sufficient capacity is available at the treatment works and to prevent an adverse impact on the River Mease Special Area of Conservation/SSSI.

- 5 None of the dwellings hereby approved shall be occupied until a scheme of measures to improve capacity within the sewer/drainage network within Appleby Magna that would serve the development has been provided in full in accordance with a scheme that has first been submitted to and agreed in writing with the Local Planning Authority (in consultation with Severn Trent Water).

Reason- to ensure sufficient capacity is available within the local drainage network.

- 6 No development shall commence on site until such time as details of the means of disposal of foul drainage from the site 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 which shall thereafter be so retained.

Reason- to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem.

- 7 The development hereby approved shall only use the mains sewer system for its foul drainage discharge.

Reason- Any other means of dealing with foul discharge could have an adverse impact on the River Mease Special Area of Conservation.

- 8 No development shall commence on site until such time as the detailed design of a surface water drainage scheme for the site, based on sustainable drainage principles and which does not discharge to the mains sewer system, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of treatment trains to help improve water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; timing/phasing arrangements; and the responsibility for the future maintenance of drainage features. The scheme shall be provided in full 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 and shall thereafter be so maintained in perpetuity.

Reason - To prevent the increased risk of flooding, both on and off site; to prevent an adverse impact on the River Mease Special Area of Conservation.

- 9 No demolition or construction works, movement of construction traffic, and deliveries to and from the site shall occur other than between 0800 and 1800 hours weekdays, and 0800 and 1300 hours on Saturdays, and at no time on Sundays or Public Holidays.

Reason- To safeguard the privacy and amenities of the occupiers of adjoining properties during periods of construction.

- 10 No development shall commence on site until such time as details of the following matters have been submitted to and agreed in writing by the Local Planning Authority:

- i. design and location of a communal bin collection area;
- ii. design and location of post and rail fencing to prevent access to existing hedgerows on the site's southern and eastern boundaries.

The development shall be carried out in accordance with the agreed details which shall thereafter be so retained in perpetuity.

Reason: in the interests of visual amenity and highway safety; to maintain wildlife corridors and provide biodiversity enhancements.

- 11 The reserved matter application shall include precise details of existing and finished ground levels and the proposed floor levels of the building in relation to an existing datum point.

Reason - To enable the Local Planning Authority to fully assess the development in the light of the ground levels on the site.

- 12 No development shall commence on site until such time as protective fencing in accordance with Figure 2 of BS: 5837: 2012 (Trees in Relation to Design, Demolition and Construction) to trees T1, T2, T3 and T15 identified on Drawing No. TTP/13/MRAM/01 has been erected to the trees' radial root protection areas (RPAs). The protective fencing shall remain in place until all demolition and construction works are complete.

Reason - in the interest of health and safety and the amenity value of the trees.

- 13 No development shall commence on site until such time as a design and method statement for all works taking place within the radial root protection areas (RPAs) to trees T1, T2 and T3, including details of changes to ground levels and arboricultural surface requirements, has been submitted to and agreed in writing by the Local Planning Authority. All works within to trees T1, T2 and T3's root protection areas shall be carried out in accordance with the agreed design and method statement.

Reason - in the interest of health and safety and amenity value of the trees.

- 14 There shall be no storage of materials, plant, skips, equipment and/or other items associated with the development hereby approved, mixing of materials, vehicular movements or fires or other ancillary works associated within the area bounded by the protective fencing to trees T1, T2, T3 and T15.

Reason - in the interest of health and safety and the amenity value of the trees.

- 15 Notwithstanding the provisions of Part 1 (Classes A, B and E) of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) Plots 7 and 8 and the garages to Plots 1, 2 and 3 hereby permitted shall not be enlarged, improved or altered nor shall any building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse be erected within the curtilages of Plots 7 and 8 unless planning permission has first been granted by the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain control over future development in view of the relationship of these properties to existing and proposed dwellings.

- 16 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to September inclusive unless otherwise agreed in writing by the Local Planning Authority that breeding birds will not be adversely affected by any works.

Reason: to reduce the impact of the proposal on nesting birds, which are a protected species.

- 17 No development shall commence on site until details of the design and location of bird nesting boxes and bat boxes 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, and the measures incorporated shall thereafter be so retained.

Reason - In the interests of providing potential bird nesting and bat roosting sites, to mitigate the loss of those resulting from the loss of trees/vegetation.

- 18 Prior to the erection of any external lighting to the private drives, details of the lighting scheme shall be submitted to and agreed in writing by the Local Planning Authority. The external lighting shall be provided in accordance with the agreed scheme and shall thereafter be so retained.

Reason: to prevent light spill towards the trees/vegetation in the interests of bats.

- 19 No demolition/development shall commence on site until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a

Written Scheme of Investigation, submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall be undertaken in accordance with the approved Written Scheme of Investigation unless a variation is agreed in writing with the Local Planning Authority.

Reason: To ensure satisfactory archaeological investigation and recording.

- 20 None of the dwellings hereby approved shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 19 and provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory archaeological investigation and recording.

- 21 No development shall commence on site until such time as a construction 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.

- 22 Before the first occupation of any dwelling hereby approved, visibility splays shall be provided at the junction of the access with Measham Road in accordance with the details shown on Drawing No. 13.2909.06B. Nothing shall be allowed to grow above a height of 0.9 metres, or overhang lower than 2.0 metres above ground level within the visibility splays. These shall be provided in accordance with the standards contained in the current County Council design guide and shall thereafter be so maintained in perpetuity.

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.

- 23 Before first occupation of any dwelling hereby approved, the access, access drive and turning space shall be provided in accordance with the details shown on Drawing No. 13.2909.06B. The access drive and turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7 metres behind the Highway boundary. The access, access drive and turning space once provided shall thereafter be so maintained in perpetuity.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner in the interests of general highway safety, to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway; to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.); to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

- 24 The car parking (including garage spaces) shown within the curtilage of each dwelling shall be provided in accordance with the details shown on Drawing No. 13.2909.06B, hard surfaced and made available for use before the dwelling is first occupied 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.

- 25 Before first occupation of any dwelling hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway 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.

- 26 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as to open inwards only.

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

- 27 The gradient of the access drive shall not exceed 1:12 for the first 7 metres behind the highway boundary.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage and during the application 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 You must also apply to the Northern Area Manager, Leicestershire County Council, Granite Way, Mountsorrel, Leicestershire, LE12 7TZ (Tel: 0116 3052104) for consent to construct or alter a vehicular crossing or any works within the highway limits.
- 3 The applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at www.defra.gov.uk
- 4 This decision is subject to a Section 106 Obligation regarding the following matters:
- Contribution under the River Mease Developer Contribution Scheme
 - Affordable housing
- 5 In respect of condition 18 the Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.