
Demolition of existing five no. poultry houses and associated feed silos and erection of three detached dwellings (outline - access, layout and scale included)

**Report Item No
A2**

Poultry Farm Normanton Road Packington Leicestershire

**Application Reference
15/00992/OUT**

**Applicant:
Mr & Mrs Fleetham**

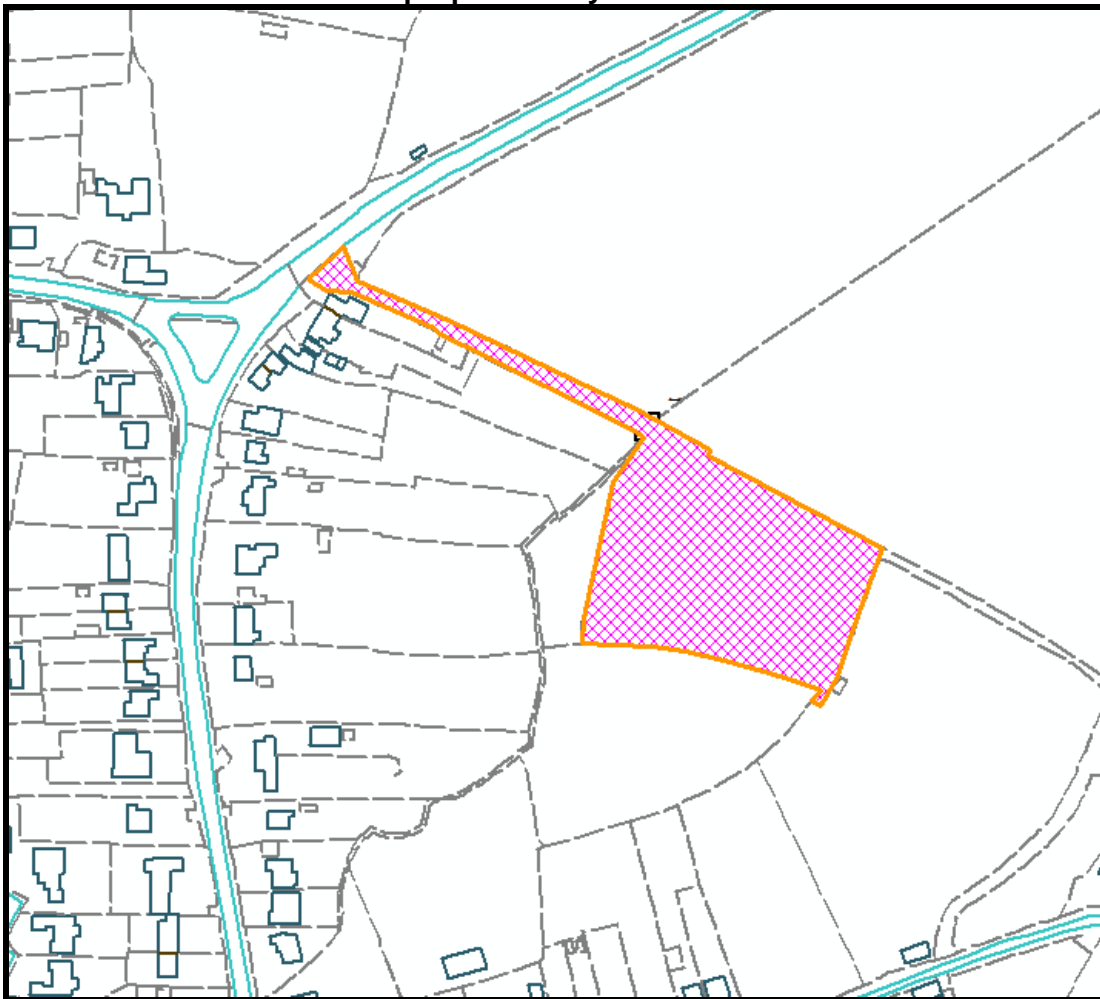
**Date Registered
12 October 2015**

**Case Officer:
Jenny Davies**

**Target Decision Date
7 December 2015**

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

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

This application has been called to Planning Committee by Councillor Nigel Smith on the grounds that the site is outside the Limits to Development, the land is agricultural and for highway safety reasons.

Proposal

Outline planning permission is sought for the demolition of five no. poultry houses and associated feed silos and the erection of three detached dwellings, with access, layout and scale included for determination at the Poultry Farm, Normanton Road, Packington. Two detached dwellings would be located on the western part of the site and a larger detached dwelling on the central/eastern part of the site and detached triple garage/store located adjacent to the northern boundary. Access to the site would be via the existing drive that leads from Normanton Road.

Consultations

Two letters of objection have been received from members of the public and Packington Parish Council has raised objections. No other objections have been received from statutory consultees.

Planning Policy

The application site lies outside Limits to Development as defined in the adopted North West Leicestershire Local Plan and is in the countryside which is protected by Policy S3.

Conclusion

It is considered that Packington is a sustainable location for the level of development proposed for this site, that the loss of agricultural land is not sufficient in this case to suggest that planning permission should be refused and the proposal is acceptable in principle. The proposal would not be significantly detrimental to the character and visual amenities of the locality. The site proposal would result in less than substantial harm to the designated heritage assets and this harm can be outweighed by public benefits. Reasons for refusal on the basis of the proposal resulting in a severe impact on highway safety and impacts on users of the public right of way could not be justified in this case. Protected species and residential amenities would not be adversely affected, conditions can be imposed relating to contaminated land and no trees/hedgerows are shown to be removed. It can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. There are no other 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 a legal agreement and subject to conditions

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

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for the demolition of five no. poultry houses and associated feed silos and the erection of three detached dwellings, with access, layout and scale included for determination at the Poultry Farm, Normanton Road, Packington. Residential development adjoins the site to the west with fields on all other sides. The existing structures to be demolished were formerly used in association with a poultry farm but this use has now ceased.

Two detached dwellings would be located on the western part of the site with a shared double garage in-between. A larger detached dwelling would be located on the central/eastern part of the site, with a detached triple garage/store located adjacent to the northern boundary. The indicative details show the dwellings to all be two storey.

Access to the site would be via the existing drive that leads from Normanton Road into the site, with parking and turning available to all three dwellings. All existing trees and hedgerows are shown to be retained and areas of new tree planting are proposed.

The site lies within the catchment area of the River Mease Special Area of Conservation and a tributary of the river runs alongside the site's western boundary. Packington House on Spring Lane lies around 120 metres to the south east and No. 9-11 Normanton Road lies on the opposite side of the road from the site entrance, both of which are Grade 2 listed buildings. The Packington Conservation Area adjoins the southern boundary of the western end of the access drive. Public right of way O64 runs along the access drive and then alongside the northern boundary of the site. The most recent planning history relates to development associated with the poultry farm in 1995 (95/0993).

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, both on its own and cumulatively with other major housing proposals in the village are considered to not be significant and can be considered as part of the planning application.

2. Publicity

23 no. neighbours have been notified (Date of last notification 15 October 2015)

Press Notice published 28 October 2015

Site notice posted 17 October 2015

3. Consultations

Packington Parish Council consulted 15 October 2015

County Highway Authority consulted 15 October 2015

Severn Trent Water Limited consulted 15 October 2015

Head of Environmental Protection consulted 15 October 2015

Natural England- Within 2k Of SSSI consulted 15 October 2015

NWLDC Tree Officer consulted 15 October 2015

County Archaeologist consulted 15 October 2015

LCC ecology consulted 15 October 2015

NWLDC Conservation Officer consulted 15 October 2015

LCC/Footpaths consulted 15 October 2015

NWLDC Footpaths Officer consulted 15 October 2015

4. Summary of Representations Received

Statutory Consultees

Packington Parish Council objects on the following grounds:

- the proposed development is outside the proposed limits to development currently being consulted upon by the District Council;
- Councillors are confused as to how this application can be considered based on the fact that it is outside the proposed limits to development and therefore outside the building line for Packington which consultation is being carried out at the moment.
- this land is agricultural and cannot therefore be built upon;
- access is extremely poor from Coleorton Lane and any further traffic movements would cause considerable safety issues on the highway.

The County Archaeologist has no objections.

The Conservation Officer has no objections.

The Council's Environmental Protection team has no environmental observations subject to conditions.

The County Ecologist has no objections.

Natural England has no objections subject to conditions.

The County Highway Authority has no objections subject to conditions.

The County Footpaths Officer has no objections.

No comments have been received from Severn Trent Water, the Council's Tree Officer and the Council's Footpath Officer by the date of this report. Any comments received will be reported on the Update Sheet.

Third Party Representations

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

- use of gated access from No. 23 Normanton Road onto access drive needs to be allowed to continue;
- visual barrier formed by trees needs to be retained;
- access drive is not adequate to accommodate estimated minimum 24 trips per day, due to its width;
- access drive is also a public footpath which is used daily and there is no space for pedestrian refuges along its whole length;
- parking associated with visitors to the National Forest planting at Sunnyside Wood takes place along the western end of the access drive;
- severe impact on these users of the public footpath and visitors to the woodland;
- entrance to the access drive is never free from parked cars;
- vehicles speed above the 30mph limit along Coleorton Lane/Normanton Road close to the site entrance;
- care has to be taken exiting from driveway to No. 19 Normanton Road due to speeding and site entrance has much less visibility.

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

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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.

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

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraph 32 and 34 (Promoting sustainable transport)

Paragraphs 57, 60, 61 and 64 (Requiring good design)

Paragraphs 69 and 75 (Promoting healthy communities)

Paragraphs 96, 99 and 100 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 109, 112, 118, 119, 120, 121 and 123 (Conserving and enhancing the natural environment)

Paragraphs 129, 131, 132, 133, 134, 137 and 138 (Conserving and enhancing the historic environment)

Paragraphs 203 and 204 (Planning conditions and obligations)

North West Leicestershire Local Plan:

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

Policy S1 - Overall Strategy

Policy S3 - Countryside

Policy E2 - Landscaped Amenity Open Space

Policy E3 - Residential Amenities

Policy E4 - Design

Policy E7 - Landscaping

Policy E8 - Crime

Policy F1 - National Forest - General Policy

Policy F2 - Tree Planting

Policy F3 - Landscaping & Planting

Policy T3 - Highway Standards

Policy T8 - Parking

Policy H4/1 - Housing Land Release

Policy H6 - Housing Density

Policy H7 - Housing Design

Draft North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are

considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

S1 - Presumption in Favour of Sustainable Development
S2 - Future Housing and Economic Development Needs
S3 - Settlement Hierarchy
S4 - Countryside
S5 - Design of New Development
H6 - House Types and Mix
IF1 - Development and Infrastructure
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
En1 - Nature Conservation
En2 - River Mease Special Area of Conservation
En3 - The National Forest
En6 - Land and Air Quality
He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment
Cc2 - Sustainable Design and Construction
Cc3 - Water - Flood Risk
Cc4 - Water - Sustainable Drainage Systems

Other Guidance

National Planning Practice Guidance - March 2014
The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations')
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)
River Mease Water Quality Management Plan - August 2011
The River Mease Developer Contributions Scheme (DCS) - November 2012
The Community Infrastructure Levy Regulations 2010
6Cs Design Guide (Leicestershire County Council)
Packington Conservation Area Study and Appraisal - 2001

6. Assessment

The main issues for consideration in the determination of this application relate to the principle and sustainability of the development, its design and visual impact and its impact on the historic environment, highway safety, a public footpath, protected species and on the River Mease Special Area of Conservation.

Principle and Sustainability

The site is located outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan; residential development does not fall within the types of development acceptable in the countryside under Policy S3 of the adopted Local Plan. It should however be borne in mind that the defined Limits to Development were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006).

The NPPF's provisions do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development given the presumption in favour of such as set out in the NPPF.

As the Authority is able to demonstrate a five year supply of housing, including an additional 20% buffer, Saved Policies S3 and H4/1 are considered to be relevant and in date, in the

context of Paragraph 49 of the NPPF. Policy H4/1 identifies the criteria for releasing "appropriate" land for housing.

Whether or not this site would be considered "appropriate" for new housing development is a matter of judgement. The proposal would not fall within one of the specific local circumstances where new dwellings can be permitted in the countryside under Policies H11 or H12 of the adopted Local Plan. However the site is located close to existing and proposed built development, and therefore 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 maintain a five year housing land supply in the District. It is considered inevitable that some greenfield land will need to be released in order to maintain a five year supply of deliverable sites.

Whilst the sequential approach set out under Policy H4/1 is outdated in the context of the NPPF, the sustainability credentials of the scheme still need to be assessed. The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. The previous agricultural use of the site would have generated some vehicle journeys. The application site is located at Packington which provides a range of day to day facilities, e.g. shop, primary school, church, village hall, a public house and play area/open space. There is also an hourly bus service in the day to and from Burton, Swadlincote, Ashby and Measham. The site is located within maximum walking distance (i.e. within 800m to 1km) of these services other than the play area and is well related to Ashby de la Zouch, and therefore occupiers of the dwellings would not necessarily be dependent on the private car. Taking all of these matters into account, it is considered that Packington is a sustainable location for the level of development proposed for this site.

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. 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. The site is approximately 0.8 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 relatively small in scale. Whilst there would be adverse impacts in this regard, it is considered that the loss of agricultural land is not sufficient in this case to suggest that planning permission should be refused.

It is therefore considered that the development of the site for three dwellings is acceptable in principle.

Design and Visual Impact

The proposal results in a density of four dwellings per hectare, which is well 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 character of the area and the site's location within the countryside on the edge of the village.

It is acknowledged that all three dwellings would be taller than the existing buildings and that Plot 3 would be of a significant scale. However the majority of the site is currently occupied by five buildings, each with large footprints, along with a number of silos, which are visible in views from the road and footpath. Plot 1 would be well screened from view from the road and although Plot 2 would be more visible due to a gap in this screening, one of the existing buildings and a silo can currently be seen in this view, with one of the dwellings on Spring Lane

forming the backdrop. Plot 3 and its garage block would in part be visible from the road but would have some screening and existing buildings can be seen in this view, with the garage being located on the site of an existing outbuilding. Whilst all three dwellings would be prominent in views from the public footpath, the site is already occupied by buildings/structures which are not of a high design quality and a lesser area of the site would be occupied by built development. Furthermore the site does not extend into the open countryside to the north of the public footpath and is well related to existing development. The scale of Plot 1 and 2 reflects that of the nearest dwellings on Normanton Road and although Plot 3 would be much larger, amendments have been secured to reduce the extent of its eastern wing. Based on the indicative plans it is considered that dwellings could be designed that reflect the positive characteristics of existing dwellings in the village. The site can accommodate all of the necessary requirements (private garden, parking/turning space) for all three dwellings and the site would not be cramped or overdeveloped. It is therefore considered that the development of the site for three dwellings would not be significantly detrimental to the character and visual amenities of the locality.

Historic Environment

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess and to the desirability of preserving or enhancing the character or appearance of that area. Paragraph 131 of the NPPF requires, amongst other things, new development to make a positive contribution to local character and distinctiveness. Paragraph 132 of the Framework stipulates that, 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.

In terms of designated heritage assets, Packington House on Spring Lane lies around 120 metres to the south east of the site and No. 9-11 Normanton Road lies on the opposite side of the road from the site entrance, both of which are Grade 2 listed buildings. The Packington Conservation Area adjoins the southern boundary of the western end of the access drive and is approximately 30 metres to the north west of the developed part of the site. Therefore the impact of the development on the fabric and setting of the listed buildings and the character and appearance of the Conservation Area should be given special regard as required by the 1990 Act.

No. 9-11 is a good example of an 18th century cottage and is located within a part of the Conservation Area which forms the entrance to the core of the village. Packington House is a substantial three storey property that is still isolated from the village and largely retains its rural setting. Therefore the listed buildings and Conservation Area form an important part of the history of this locality and are considered to be heritage assets of significance which have value for this and future generations.

The developed part of the site is well separated from the Conservation Area by the gardens and mature trees to properties on Normanton Road and would not be highly visible within views of or from the Packington Conservation Area, although it is acknowledged that some glimpses of the site would be available towards the Conservation Area from Coleorton Lane and the public footpath. However when having regard to the distances involved and intervening mature gardens, along with development currently on the site, it is considered that the proposal would not adversely affect the character and appearance of the Packington Conservation Area. The developed part of the site is also not visible within the setting of No. 9-11 Normanton Road and

given the distance between the two sites and that there does not appear to be any direct functional/historic relationship between the two, the setting of this listed building would not be adversely affected.

The setting of Packington House is somewhat compromised to the immediate north by the presence of a modern two-storey dwelling but its rural setting survives predominantly to the south and south east, but also to some extent to the west and south west due to the buffer of fields between the listed building and existing development, including the site, on the edge of the village. However in a westerly direction the existing buildings/structures on the site form part of the foreground/backdrop to Packington House in particular when viewed from the public footpath, Spring Lane and from the listed building itself. There are also open views of Packington House from the eastern boundary of the site. This open view would not be compromised and the buffer between the listed building and development on the site would be increased with the removal of the existing buildings and the position of Plot 3. Furthermore the overall level of built development on the site would be reduced, along with the removal of buildings of poor design quality. Whilst the height and scale of the front elevation of Plot 3 would be greater than the poultry sheds, these buildings can currently be seen in the foreground of Packington House and Plot 3 would not block views of the listed building from the public footpath. Therefore it is considered that the site is capable of accommodating the development without an adverse impact on the setting of the listed buildings and Conservation Area and their significance would be retained, thereby resulting in less than substantial harm to the designated heritage assets.

Paragraph 134 of the NPPF requires less than substantial harm to designated heritage assets to be weighed against the public benefits of the proposal. The less than substantial harm to the heritage asset is in this case considered on balance to be outweighed by the public benefit of the re-use of a site currently occupied by buildings of poor design quality that do not make a positive contribution to the character and visual amenities of the area or to the setting of the Packington House.

Highway Safety

There is adequate space within the site for parking and turning provision for the three dwellings. However concerns have been raised by the Parish Council and a local resident regarding highway safety matters, in particular relating to poor access from the site onto Normanton Road/Coleorton Lane due to speeds of traffic and visibility. The County Highway Authority advises that as *'...there is not a farmhouse connected to the existing agricultural use, it is reasonable to suggest that the proposals could lead to an increase in traffic. However, there may be some reduction in the size of vehicles in connection with the use of the site.'* The Highway Authority also advises that because the design of the access from the carriageway of Normanton Road is broadly in compliance with the '6Cs Design Guide', it won't be recommending refusal of the proposal. As such the Highway Authority's advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe in accordance with paragraph 32 of the NPPF, subject to conditions. On this basis it is considered that a reason for refusal on the basis of the proposal resulting in a severe impact on highway safety and not providing a safe and suitable access for all could not be justified in this case.

Public Footpath

Public footpath/bridleway O64 runs along the access drive and then alongside the northern boundary of the site. No part of the development would encroach upon its route, which is also not proposed to change. Concern has been raised by a local resident in respect of impact on users of this route from an increase in vehicles using the access drive. The County Footpaths

Officer advises that *'It is accepted that use of the driveway by vehicles, and subsequently the public footpath, will increase due to the proposed development of three properties. However due to the clear sight lines and the provision of a narrow verge and an existing gateway along the route it is considered that pedestrians and vehicles should be able to use the access road without conflict if due care and attention is taken by both parties.'* Furthermore as noted above, whilst there may be an increase in the number of vehicles using the access drive, there is likely to be reduction in the size of vehicles, with most trips likely to be by car rather than larger vehicles (e.g. lorries, farm vehicles) that were associated with the former poultry farm use. Furthermore if the site remained in an agricultural use then the Authority would have no control over the types of vehicles that could access the site. It is also considered that the likely increase in vehicle movements and development of the site would materially impact on the experience of users of the footpath, on the basis that the site is already developed and that the access drive has previously been in use. On this basis it is considered that a reason for refusal on the basis of significant impact on users of the public right of way and not providing a safe and suitable access for all could not be justified in this case.

Protected Species

Existing buildings/structures are proposed to be demolished, there are mature trees/hedgerows on and adjacent to the site, the site is adjoined by open fields and large gardens and a stream and ditch lie on the site boundaries. All of these are features that could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions. The submitted survey found no evidence of badgers setts or activity on or adjacent to the site. The survey also found that the buildings could house breeding birds and therefore their demolition should take place outside the breeding bird season, which could be secured by condition. It was also concluded that the buildings were not suitable for bat roosting. No trees/hedgerows are shown to be removed and development would be over 10 metres from the ditch and stream. On this basis it is considered that protected species would not be adversely affected by the proposal

Impact on the River Mease Special Area of Conservation

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC) and a tributary of the river runs adjacent to the western boundary. Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required.

The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

The Environment Agency has issued Standing Advice relating to the River Mease SAC under which they do not need to be consulted if the proposal connects to the mains sewer and the applicant is agreeable to payment of the DCS contribution. Natural England has no objections subject to conditions. The applicants have indicated they are willing to pay the required DCS contribution and the Council's solicitors have been instructed in respect of this matter.

The flows from the additional three dwellings need to be taken into account against the existing

headroom at Packington Treatment Works, which serves this area. At March 2015 capacity was available for 3120 dwellings but this is reduced by the number of dwellings that already have consent or are under construction at March 2015 (619) and a further 665 which have subsequently been granted permission or have a resolution to permit in place, giving capacity for 1836 dwellings. As such it is considered that capacity is available at the relevant treatment works for the foul drainage from the site. There would not be an increase in hardstanding or roof areas at the site (there would in fact be a reduction) and so a condition relating to surface water discharge is not required.

New development would be over 10 metres from the stream and no works are proposed within or to the banks of the stream, although part of the westernmost existing building lies immediately adjacent to the stream. Therefore it is considered reasonable to impose conditions relating to a construction method statement and no works to take place within or to the banks to the stream.

Therefore it can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely 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.

Other Matters

The Environmental Protection team has requested the imposition of conditions relating to contaminated land due to the agricultural use of the site. None of the existing trees and hedgerows on the site are shown to be removed.

The proposal is likely to result in an increase in traffic using the access drive which runs adjacent to No. 17 Normanton Road and rear gardens. However the situation would not be dissimilar to a development on a corner site with a side road running close to dwellings and their rear gardens, which was considered in an appeal decision to be a yardstick for an acceptable standard, and which already occurs in other parts of the village.

Plot 1 would be over 100 metres from the dwellings on Normanton Road and whilst it would be within 10 metres of the nearest rear garden, these gardens are all large in size with mature tree planting in-between. Plot 3 would be over 140 metres from the nearest dwellings on Spring Lane the three dwellings would be over 80 metres from the nearest garden areas. As such it is considered that the proposal would not adversely affect the amenities of occupiers of nearby dwellings from overlooking, loss of light or creation of an oppressive outlook.

In respect of matters raised in the letters of objection that have not been addressed above, no development is proposed to the existing access drive and rights of access are not a planning matter and cannot be taken into account in the determination of planning applications.

Conclusion

It is considered that Packington is a sustainable location for the level of development proposed for this site, that the loss of agricultural land is not sufficient in this case to suggest that planning permission should be refused and the proposal is acceptable in principle. The proposal would not be significantly detrimental to the character and visual amenities of the locality. The site proposal would result in less than substantial harm to the designated heritage assets and this harm can be outweighed by public benefits. Reasons for refusal on the basis of the proposal resulting in a severe impact on highway safety and impacts on users of the public right of way could not be justified in this case. Protected species and residential amenities would not be adversely affected, conditions can be imposed relating to contaminated land and no

trees/hedgerows are shown to be removed. It can be ascertained that the proposal will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI. There are no other 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 a 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 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 No development shall commence on site in relation to the construction of any part of the dwellings or garages hereby approved until the existing buildings and structures shown on Drawing Nos. 15.3142.02 and Drawing No. 15.3142.03 have been demolished in full, unless an alternative timescale for their demolition has first been submitted to and agreed in writing by the Local Planning Authority.

Reason - To avoid the possibility of the coexistence of two unrelated developments which would be visually unsatisfactory.

- 4 No development shall commence on site until such time as precise details of the finished ground levels on the site and the finished floor levels of the dwellings in relation to an existing datum point have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason- to ensure the development takes the form envisaged by the Local Planning Authority.

- 5 Operations that involve the demolition of buildings on the site shall not be undertaken during the months of March to September inclusive unless otherwise submitted to and 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.

- 6 No development (including demolition) shall commence on site until details of bird mitigation measures have been submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be provided before first occupation of any of the dwellings hereby approved, unless an alternative implementation programme is first agreed in writing with the Local Planning Authority, and shall thereafter be so retained.

Reason: to provide enhanced biodiversity measures within the site and to mitigate against the potential loss of habitats for protected species.

- 7 No development (including demolition) shall commence on site until a detailed method statement for construction of the development and demolition of the existing buildings/structures has been submitted to and agreed in writing by the Local Planning Authority. The method statement should set out methodologies to remove any risk of fuel, soils, building materials and waste water entering the nearby River Mease during construction of the development, including how and where materials, fuel and plant will be stored and contained, containment of waste water on the construction site, use of site spill kits and briefing to construction staff, the location of oil traps and how the western most poultry shed would be demolished. Construction works relating to the development hereby approved shall be carried out in accordance with the agreed method statement.

Reason: to prevent an adverse impact on the River Mease Special Area of Conservation.

- 8 Before first occupation of each dwelling hereby permitted the car parking and any turning space for that dwelling shall be provided in accordance with the details shown on Drawing No. 15.3142.04B and Drawing No. 15.3142.05A (Outline Planning Proposals - Sheet 1 and 2 of 2), surfaced and shall thereafter be so retained in perpetuity.

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 and to ensure vehicles leaving the existing property will be able to enter and leave in a forward direction; In the interests of pedestrian safety.

- 9 Before first occupation of any dwelling hereby approved, the existing access drive from Normanton Road shall be provided in accordance with the details shown on Drawing No. 15.3142.04B (Outline Planning Proposals - Sheet 1 of 2) and surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least five metres behind the highway boundary and shall thereafter be so retained in perpetuity.

Reason: in the interests of highway safety.

- 10 No development shall commence on site (other than demolition approved by this permission) until a Risk Based Land Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
- o BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
 - o BS 8576:2013 Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)
 - o BS8485:2007 Code of Practice for the Characterisation and Remediation from Ground Gas in Affected Developments; and
 - o CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004.

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment or should any need for remedial works be identified, a Remedial Scheme

and a Verification Plan must be prepared and submitted to and agreed in writing by the Local Planning Authority before development commences on site. The Remedial Scheme shall be prepared in accordance with the requirements of:

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

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

- o Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;

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

The development shall be carried out in accordance with the agreed Remedial Scheme and Verification Plan.

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

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

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

- o Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;

- o Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;

- o Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;

- o Contain Test Certificates of imported material to show that it is suitable for its proposed use;

- o Demonstrate the effectiveness of the approved Remedial Scheme; and

- o Include a statement signed by the developer, or the approved agent, confirming that all the works specified in the Remedial Scheme have been completed.

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

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 process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 This permission is subject to a Section 106 Agreement relating to a contribution under the River Mease Developer Contributions Scheme.
- 3 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 4 A public right of way crosses the site and must not be re-routed, encroached upon or obstructed in any way without proper authorisation. To do so may constitute an offence under the Highways Act 1980.
- 5 Care should be taken to ensure that pedestrians are not exposed to any elements of danger associated with construction works, and wherever appropriate they should be safeguarded from the site by a secure fence. In view of the close proximity of the proposed development to the public right of way, particular attention should be given to ensuring that no materials are stored on the lines of the rights of way and that no contractors' vehicles are parked either along or across them ensuring that free access can be exercised safely at all times.
- 6 Any damage caused to the surface of a Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- 7 No new gates, stiles, fences or other structures affecting the Right of Way, of either a temporary or permanent nature, or works to the surface of the Right of Way should be constructed without the written consent of the Highway Authority having been obtained. Unless a structure/works has been authorised, it constitutes an unlawful obstruction of a Right of Way and the County Council may be obliged to require its immediate removal.
- 8 If it is intended to change the boundary treatment currently separating the application site from the Public Right of Way, the Highway Authority's approval to the type of boundary treatment proposed should be obtained. Any new trees or shrubs which are proposed to be planted adjacent to a Public Right of Way should be set back by a minimum of 1 metre from the edge of the route and be species which do not spread. This will minimise the likelihood of the width of the Right of Way being encroached upon and reduced in width by overhanging vegetation in the future.
- 9 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
- 10 The proposed development lies within an area which could be subject to current coal mining or hazards resulting from past coal mining. Such hazards may currently exist, be caused as a result of the proposed development, or occur at some time in the future. These hazards include:
 - Collapse of shallow coal mine workings.
 - Collapse of, or risk of entry into, mine entries (shafts and adits).
 - Gas emissions from coal mines including methane and carbon dioxide.

- Spontaneous combustion or ignition of coal which may lead to underground heatings and production of carbon monoxide.
- Transmission of gases into adjacent properties from underground sources through ground fractures.
- Coal mining subsidence.
- Water emissions from coal mine workings.

Applicants must take account of these hazards which could affect stability, health & safety, or cause adverse environmental impacts during the carrying out their proposals and must seek specialist advice where required. Additional hazards or stability issues may arise from development on or adjacent to restored opencast sites or quarries and former colliery spoil tips.

Potential hazards or impacts may not necessarily be confined to the development site, and Applicants must take advice and introduce appropriate measures to address risks both within and beyond the development site. As an example the stabilisation of shallow coal workings by grouting may affect, block or divert underground pathways for water or gas.

In coal mining areas there is the potential for existing property and new development to be affected by mine gases, and this must be considered by each developer. Gas prevention measures must be adopted during construction where there is such a risk. The investigation of sites through drilling alone has the potential to displace underground gases or in certain situations may create carbon monoxide where air flush drilling is adopted.

Any intrusive activities which intersect, disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. In the interests of public safety the Coal Authority is concerned that risks specific to the nature of coal and coal mine workings are identified and mitigated.

The above advice applies to the site of your proposal and the surrounding vicinity. You must obtain property specific summary information on any past, current and proposed surface and underground coal mining activity, and other ground stability information in order to make an assessment of the risks. This can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com