

Erection of one detached dwelling

Report Item No
A2

Land At Main Street Normanton Le Heath Coalville
Leicestershire LE67 2TB

Application Reference
15/01097/FUL

Applicant:
Mr Stephen Bryan

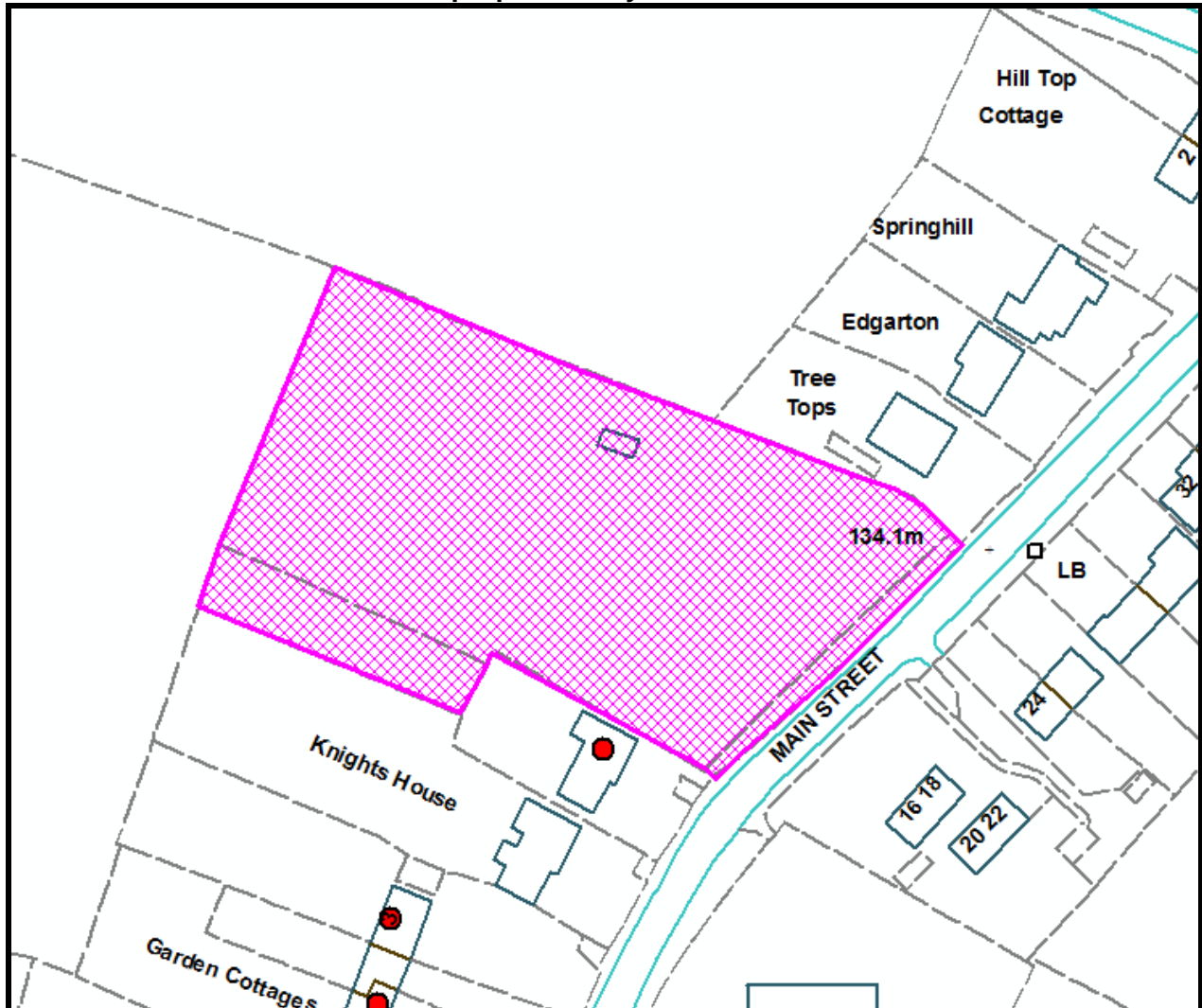
Date Registered
12 November 2015

Case Officer:
Jenny Davies

Target Decision Date
7 January 2016

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

This application is reported to Members of the Planning Committee at the request of Councillor Nigel Smith on the grounds that the site is outside the Limits to Development and outside the Local Plan, is on agricultural land and there is strong opposition from the Parish Meeting and local residents.

Proposal

Planning permission is sought for the erection of one dwelling on land off Main Street, Normanton le Heath on land to the rear of the existing dwelling known as The Laurels. The dwelling would form a three storey dwelling with a single storey/two storey rear projection and single storey side projection. Two previous applications for one dwelling and three dwellings on the adjacent field to the north were refused by Planning Committee in July 2015 and February 2014 on the grounds of being an unsustainable form of development and impacting on a Sensitive Area and the rural setting and character of the village.

Consultations

A total of 34 letters of objection have been received from members of the public including a petition with 67 signatures. Normanton le Heath Parish Meeting objects to the proposal. The County Footpaths Officer's initial objections have been addressed. No other objections have been received from statutory consultees.

Planning Policy

The majority of the application 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 the need to consider whether the proposals would, overall, constitute sustainable development in the context of the National Planning Policy Framework (NPPF).

Conclusion

It is considered that on balance a reason for refusal on the grounds of that the proposal constitutes an unsustainable form of development could not be justified in this case. The development would result in limited harm to the rural setting and character of the village and Sensitive Area and the design of the dwelling complies with the provisions of Policies E4 and E7 of the adopted Local Plan. The legal route of the public footpath that crosses the field would be retained and the proposal would not significantly impact on the enjoyment of users of the footpath. It is considered that the proposal would not adversely impact on highway safety or protected species. A reason for refusal based on significant detriment to the amenities of occupiers of The Laurels from overshadowing, loss of privacy and an oppressive outlook could not be justified. The site proposal would result in less than substantial harm to the designated heritage asset and this harm can be outweighed by public benefit. Conditions relating to archaeology could be imposed. 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

Members are advised that the above is a summary of the proposals and key issues

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of one dwelling on land off Main Street, Normanton le Heath. The dwelling would be sited on land to the rear of an existing dwelling known as The Laurels and would form a three storey dwelling (although it would have the appearance of a two storey dwelling with its second floor accommodation provided within the roofspace) with a single storey/two storey rear projection and a single storey side projection which would include an integral garage. The Amended plans and additional information have been submitted to address officer concerns regarding access, parking and turning provision, impact on the public footpath and residential amenities and the sustainability of the proposal.

Access would be via a proposed driveway running through the adjacent grassed field to the north, close to the boundary with The Laurels, linking to an existing field access at the southern end of the field's boundary with Main Street. Parking and turning space would be provided between the front of the proposed dwelling and the rear boundary to The Laurels. The submitted plans show that some trees/vegetation within the central and eastern parts of the site and on its northern boundary would be removed.

The dwelling would provide accommodation for three generations of one family. No businesses are proposed to operate from the site although one study is proposed which could be used for home working.

The Church of the Holy Trinity which lies on the opposite side of Main Street is a Grade 2* listed building. Public footpath O60 runs through the adjacent grassed field, with its route on the Definitive Map shown alongside the northern boundary to The Laurels (adjacent to the proposed driveway) before turning to the north west to cross the rear of the field (crossing the proposed driveway). On site the route of the footpath runs from a stile to the north of the existing field access crossing the field diagonally to the north west and therefore differs from that shown on the Definitive Map. The site lies within the catchment area for the River Mease Special Area of Conservation.

A previous application for one dwelling on land to the front of the adjacent field to the north was refused by Planning Committee in July 2015 (14/01040/OUT) on the following two grounds:

1. The site that is subject to this application is located outside the Limits to Development where there is a presumption against non-essential residential development as set out in Policy S3 of the adopted North West Leicestershire Local Plan. Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to provide an environmental role, including in respect of minimising pollution and mitigating and adapting to climate change, and moving to a low carbon economy. The site is in a location remote from services and public transport and occupiers of the development would be likely to be reliant on the use of the private car for accessing goods and services to meet their day to day needs, not providing for a form of development compatible with a move towards a low carbon economy, and contrary to the policies and intentions of the NPPF. The development of this site for one dwelling would therefore be contrary to Policy S3 of the adopted Local Plan and the provisions of the NPPF.

2. Policy E1 of the adopted North West Leicestershire Local Plan states that development will not be permitted within Sensitive Areas which would adversely affect or diminish the present

open character of such areas and the contribution they may make to the character, form and setting of settlements, the streetscene generally or the relationship with adjoining countryside. Policy E4 of the Local Plan requires that in determining planning applications, regard should be had to the wider setting of new buildings and that new development should respect the character of its surroundings, in terms of scale, design, density, height, massing, materials of construction, the spaces between and around buildings and the streetscene generally. The dwelling would be located within a Sensitive Area which, as an area of open land within the streetscene and with the long and important open views from within the village of the wider countryside beyond, makes an important contribution to the rural character and setting of the village. There are limited opportunities within the centre of the village for glimpses of the wider countryside beyond the settlement boundaries and therefore the site is considered to form part of an important vista that makes a positive contribution to the rural setting of the village. Therefore, the development of the site for one dwelling would adversely affect and diminish the open character of the Sensitive Area and the contribution the site and the important view out of the centre of the village make to the rural setting and character of Normanton le Heath. Approval of the proposal would therefore, be contrary to the provisions of Policies E1 and E4 of the Local Plan and the provisions of the NPPF.

A previous application for three dwellings on the rear part of the adjacent field to the north was refused by Planning Committee in February 2014 (13/00913/OUT) on the following two grounds:

1. The site that is subject to this application is located outside the Limits to Development where there is a presumption against development non-essential residential development as set out in Policy S3 of the adopted Local Plan. Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to provide an environmental role, including in respect of minimising pollution and mitigating and adapting to climate change, and moving to a low carbon economy. The site is in a location remote from services and public transport and occupiers of the development would be likely to be reliant on the use of the private car for accessing goods and services to meet their day to day needs, not providing for a sustainable form of development compatible with a move towards a low carbon economy, and contrary to the policies and intentions of the NPPF. The development of this site for housing would therefore, be contrary to Policy S3 of the adopted Local Plan and the provisions of the NPPF.

2. Policy E4 of the North West Leicestershire Local Plan requires that in determining planning applications, regard should be had to the wider setting of new buildings and that new development should respect the character of its surroundings, in terms of scale, design, density, height, massing, materials of construction, the spaces between and around buildings and the streetscene generally. The application site forms part of a large piece of agricultural land within the village that extends up to Main Street and allows long and important open views from within the village of the wider countryside beyond, which contributes to the rural setting and character of the settlement. There are limited opportunities within the centre of the village for glimpses of the wider countryside beyond the settlement boundaries and therefore, the site, along with the land forward of the site is considered to be an important vista that makes a positive contribution to the rural setting of the village. Therefore, the development of the site for housing would result in an important view out of the centre of the village being lost to the detriment of the rural setting and character of Normanton le Heath. Approval of the proposal would therefore, be contrary to the provisions of Policy E4 of the Local Plan and the provisions of the NPPF.

Other Planning History:

No planning history for the site of the proposed dwelling. Three other applications relate to the

adjacent field to the north:

88/1304- Residential Development (Outline) - Refused on the grounds that the proposal would develop an open break in the street frontage that has been designated as a Sensitive Area where development will be resisted to maintain the character of the streetscene and the character of the area. An appeal was lodged and was dismissed by the Planning Inspector.

84/0045- Residential Development (Outline) - Refused on the ground that the site forms part of a field extending up to the back of the footway on Main Street and between existing development. To develop the site as proposed would close up this important area of informal open space with its attractive views to the north-west, and would be detrimental to the rural amenities enjoyed by residents of the village.

AR5204 - Residential Development (Outline) - Approved on 1 March 1974. No reserved matters submitted and planning permission not implemented and has therefore expired.

2. Publicity

29 no. neighbours have been notified (date of last notification 18 January 2016)

Press Notice published 25 November 2015

Site Notice published 20 November 2015

3. Consultations

Normanton-le-Heath Parish Meeting consulted 18 November 2015

Ramblers' Association consulted 14 January 2016

County Highway Authority consulted 18 November 2015

Severn Trent Water Limited consulted 18 November 2015

Head of Environmental Protection consulted 18 November 2015

County Archaeologist consulted 18 November 2015

LCC ecology consulted 18 November 2015

NWLDC Conservation Officer consulted 18 November 2015

LCC/Footpaths consulted 18 November 2015

NWLDC Footpaths Officer consulted 18 November 2015

4. Summary of Representations Received

Statutory Consultees

Normanton le Heath Parish Meeting advises that a significant number of residents, even more than on previous occasions, are totally opposed to the proposal.

The Parish Meeting objects on the following grounds:

- the site is outside the defined Limits to Development where there is a presumption against non-essential development;
- the approach road to the development would need to be wide and substantial enough to carry lorries, furniture vans and emergency vehicles. This would cut a swathe through the Sensitive Area as defined in Policy E1 of the adopted North West Leicestershire Local Plan;
- the application to build a large detached dwelling on backland very close to adjacent properties is completely unacceptable and is inappropriate to Normanton's character, setting and settlement pattern;
- Policy E4 of the Local Plan requires that regard should be had to the wider setting of new

buildings and that a new development should respect the character of its surroundings in terms of scale, design, density, height, massing, materials of construction, the spaces between and around buildings and the streetscene generally. On all of these points a large three storey building very close to adjacent property, and clearly visible from Main Street, would be in direct contradiction to Policy E4;

- there are limited opportunities within the centre of the village for glimpses of the wider countryside beyond the settlement boundaries and therefore the site is considered to form part of an important vista that makes a positive contribution to the rural setting of the village. Therefore any development including a large access road would adversely affect and diminish the open character of the Sensitive Area and the contribution the site and the important view out of the centre of the village makes to the rural setting and character of Normanton le Heath;
- the new proposal would vastly increase sustainability and environmental problems. This part of the village is already very crowded with houses and flats and there are many cars parked on the road outside the dwellings at all times of the day and night. Everyone in Normanton is reliant on cars, and this proposal would create an enormous increase in activity, noise and inconvenience due to the added volume and type of traffic accessing Main Street;
- it is important to note that the site in question is not a vacant plot and the development in Highfields Close was built on a brownfield site and replaced previous buildings;
- we believe lack of public transport is a major issue. The applicant's submission states that it is 0.8 km from Ravenstone to Normanton le Heath. This is incorrect, that stated, is the distance from Normanton Wood not Normanton le Heath, to the nearest bus stop in Ravenstone. The actual distance is much greater;
- attempts to present the development as sustainable 'with minimal impact on amenity' are ridiculous. The scheme may be for a low carbon property, but it is the general sustainability of everyday living that is the issue. Claims that the family would walk along non-paved roads or cycle to remote bus stops in larger villages and rely on supermarket deliveries to exist are ludicrous. This new proposal would encounter the same issues with transport, work, leisure and amenities as existing residents;
- approval of this application would we believe be contrary to Policies E1 and E4 of the Local Plan and the provisions of the NPPF;
- we hope the Council will continue its policy of rejecting developments on this 'sensitive site' as we believe that the rurality of Normanton would be prejudiced by replacing the panoramic views and beautiful pasture land with a visually dominant house and access roadway in the centre of the village.

The County Highways Authority refers to its Standing Advice.

The Environmental Protection team has no environmental observations.

The Leicestershire County Council Ecologist has no objections.

NWLDC Conservation Officer advises that some elements of the proposal may impact on the setting of the Holy Trinity Church which is a Grade 2* listed building.

The County Archaeologist recommends the imposition of conditions.

The Leicestershire County Council Footpaths Officer raised a holding objection until matters relating to the public footpath were resolved. Following submission of amended plans the Footpaths Officer has withdrawn his objection.

NWLDC Footpaths Officer has no objections.

No comments have been received from Severn Trent Water or the Ramblers Association by the date of this report. Any further comments will be reported on the Update Sheet.

Third Party Representations

34 letters of objection including one petition with 67 signatures have been received which object on the following grounds:

- the Planning Committee's reasons for refusal on the previous applications still apply;
- planning permission has previously been refused twice on this site;
- the Council has previously advised that the site is unsuitable for development;
- concerned as to why amendments have been sought given unsuitability of proposal;
- the planning department should be more firm and definitive in its decisions and proposals discouraged at an early consultation state;
- distress to residents by constant submission of applications;
- the previous owner was unable to build a bungalow on the site for her husband who had a terminal illness and who had a genuine desire to return to the village;
- new development in small hamlets must show benefit to the village but the applicant and family are the only beneficiaries;
- applicant's personal preferences over-ride guidelines and his plans encouraged and facilitated at expense of the environment, the village and neighbour amenity;
- DEFRA's Ten Point Plan for rural areas does not support substantial executive homes on such sites;
- application appears to pre-empt the new Local Plan under which the proposal is likely to have little or less chance of success;
- the site is on land outside the Limits to Development where there is a presumption against non-essential development which should be given significant weight;
- illogical for site to be within the Limits to Development as it is undeveloped agricultural land and part of the wider field;
- previous applications have been rejected on grounds that Normanton is remote from services and residents are reliant on private cars and therefore application should be rejected again;
- local and national guidelines require discouragement of such developments and emphasis reduction in the need to travel;
- need for consistency with recent recommendations for refusal at January Planning Committee of similar applications in Coleorton;
- Normanton has limited facilities, is an unsustainable village and is outside the existing and proposed Local Plans for new development;
- new houses should be built in areas where there are adequate facilities;
- lack of amenities in the village has inconveniences but is made up for by peace and privacy;
- unlikely to use the bus service due to distance from village and the service is further away than stated and can only be accessed by walking along country roads with no footways or through fields, woodland and farm tracks;
- ridiculous to suggest that residents would cycle to access amenities such as shops;
- all existing residents of the village rely on the private car and occupiers of new dwelling would be no exception;
- impact on existing utility services which are already stretched with frequent outages;
- impact on mobile phone coverage and broadband access which is already poor;
- new housing needs are being met by significant developments in other settlements;
- no need for another large house in the village;
- no need for more housing in the village;
- any precedent from dwelling approved 41 years ago has been discounted;
- spurious claims to local connection for the family as only one of the applicants has previously lived in the village;

- is multi-generational living for three families a planning concern;
- the applicant led residents to believe the land was bought for the keeping of horses;
- the general sustainability of the proposal is questionable;
- any carbon saving would be outweighed by an increase in traffic;
- nothing particularly significant or noteworthy in respect of the dwelling's sustainability/green credentials as would only subscribe to current regulations regarding insulation, services and sustainability;
- adjacent property was purchased due to privacy and tranquillity;
- overshadowing and loss of light;
- loss of privacy and overlooking;
- loss of outlook and overbearing impact;
- no other properties in the village are overlooked in this way;
- value and comfort of property is due to its position;
- noise from ground source heating system;
- proximity of access track to existing dwelling;
- ancient and traditional public footpath used by residents and visitors should not be re-routed;
- public footpath will now be close to an existing property and have to cross a driveway;
- impact on users of public footpath due to proximity to private dwelling, access road and boundary fences and impact on views;
- impacts on safety of users of public footpath;
- area is enjoyed by walkers;
- roads in the village have not been upgraded in over 30 years and traffic has increased alarmingly so Main Street is busy;
- existing problems with traffic congestion, on-street parking and access along Main Street would be exacerbated by more traffic;
- existing traffic/parking problems cannot be mitigated as there is no public transport;
- access onto Main Street will reduce number of on-street parking spaces;
- businesses should not be operated off a narrow road with congestion from parked cars;
- site had no history of development unlike Highfields Close which was built on farm footprint;
- squeezing in houses and overdeveloping agricultural spaces is unappealing and incongruous;
- proposal would be seen as a development in the countryside;
- loss of last remaining open area in the village;
- land is open countryside that is enjoyed for its views and contribution to the rural scene;
- historic view of the village from Normanton Road would be changed;
- backland siting is inappropriate to the village's character, setting, context, layout and settlement pattern;
- not in line with existing dwellings;
- no farmhouses in the village so out of keeping with nearby dwellings;
- three storey dwelling is out of character and scale with adjacent properties;
- not a modest development and would dominate centre of the village;
- impact on streetscene from driveway and boundary treatments;
- impact on the only open aspect in village centre;
- contrary to Policy E1 of the Local Plan as the site is a Sensitive Area and its present open character would be diminished;
- significant encroachment onto the Sensitive Area;
- Sensitive Area was considered important under the previous appeal decision;
- Highfields Close development is not a precedent as it was built on a farmyard and there were no open views available;
- application is not just for a dwelling but also for businesses and a riding stable;
- future operation of businesses from the site, which would create a small industrial site;
- village is served by Ravenstone Treatment Works so not clear how foul drainage would go to Packington;

- removal of trees, hedges and associated wildlife;
- impact on views;
- proposal presented as an alternative to affordable housing on the site and eradication of risk of future development;
- precedent for development on the adjacent field similar to the recently refused dwelling;
- precedent for more development and infilling green gaps in the village;
- no discussions/consultations with neighbours have taken place;
- the timing of the application means there is less time for residents to consider the application;
- inaccuracies and misleading information/photographs in application submission which should be checked by the Council's legal department;
- planning statement has little or no relevance to the application;
- Planning Committee members should visit the site and seek the views of villagers.

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 NPPF. The closer the policies in the development plan are to the policies in the NPPF, the greater the 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)

Paragraphs 32, 34 and 35 (Promoting sustainable transport)

Paragraphs 47, 49 and 55 (Delivering a wide choice of high quality homes)

Paragraphs 57, 58, 60, 61 and 64 (Requiring good design)

Paragraphs 69 and 75 (Promoting healthy communities)

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

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

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

Paragraph 203 (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 S2 - Limits to Development

Policy S3 - Countryside

Policy E1 - Sensitive Areas

Policy E2 - Landscaped Amenity Open Space

Policy E3 - Residential Amenities

Policy E4 - Design

Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy F1 - National Forest General Policy
Policy F2 - Tree Planting
Policy F3 - Landscaping and Planting
Policy T3 - Highway Standards
Policy T8 - Parking
Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design

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
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
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
6Cs Design Guide (Leicestershire County Council)

6. Assessment

The main considerations in the determination of this application relate to the principle and sustainability of development, impact on the character of the area, design, and impacts on the public footpath, highway safety, residential amenities, historic environment and the River Mease Special Area of Conservation/SSSI.

Principle and Sustainability:

The previous applications for one and three dwellings on the adjacent field lie outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan. Both applications were in part refused on the grounds that the site lies outside the Limits to Development where there is a presumption against non-essential residential development as

set out in Policy S3 of the adopted Local Plan and is in a location remote from services and public transport and occupiers of the development would be likely to be reliant on the use of the private car for accessing goods and services to meet their day to day needs, not providing for a form of development compatible with a move towards a low carbon economy. Therefore the proposals would be contrary to Policy S3 of the adopted Local Plan and the provisions of the NPPF.

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 this case the proposal differs from the two previous applications on the adjacent field as the majority of the site of the proposed dwelling lies within the Limits to Development for Normanton le Heath as defined by the Proposals Map of the adopted Local Plan. The northern parts of the dwelling and its garden (an area measuring approximately 200 square metres), along with the access drive and adjacent field to the north, all lie outside the Limits to Development.

The Inspector's decision concerning the recent Greenhill Road appeal sets out that the Authority is currently unable to demonstrate a five year supply of housing land. This means that "saved" adopted Local Plan policies that are concerned with housing supply, such as S3 and H4/1, must be considered to be out of date, and accordingly 'weight' should not be afforded to them when determining planning applications. The NPPF includes a clear presumption in favour of sustainable development, which taken together with the current inability to demonstrate a five year supply, indicate that planning permission for new homes should normally be granted.

It is also important to bear in mind that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006). It is therefore considered inevitable that greenfield land will need to be released 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. This also has to be balanced with the fact that the majority of the site of the dwelling is within the Limits to Development, with the dwelling not projecting into the adjacent wider field nor beyond the northern boundary to the frontage dwelling The Laurels.

The site is bounded by housing and garden land to the east and south and the proposal would not extend or encroach any further to the west of the settlement than existing housing on the western side of Main Street and would not be an isolated development in the countryside.

The sustainability credentials of the scheme also need to be assessed against the NPPF. The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. Normanton le Heath has no services and facilities other than a church and no bus service, with the nearest service/facilities/bus service being located in Packington and Heather, which are both at least 2 km away. Therefore, occupiers of the new dwelling would be dependent on the private car to reach basic services to meet their day to day needs.

In seeking to overcome the previous reasons for refusal, the applicant has submitted information relating to the principle and sustainability of the proposal:

- Supermarket food delivery services available to the village;
- Bus service within 0.8km walking distance;

- Other successful appeals in the area which have demonstrated that settlements similar to Normanton le Heath are suitable for new residential development, e.g. at The Brambles in Coleorton;
- Provision of study for home working;
- Proposing one family house which allows the applicants, their children and an elderly parent to live in a multi-generational family context;
- Planning permission previously granted in 1974 for a similar development of one dwelling on the site creating a precedent;
- Eradication of unknown risk of future unacceptable development on land behind existing housing, i.e. there is a shortage of affordable housing in the District which would be more harmful than one dwelling;
- Creation of a low carbon dwelling.

In respect of this additional information, the provision of supermarket deliveries is not considered to significantly increase the sustainability of the settlement and in the case of the appeal decision other services/facilities were available within Coleorton and in closer proximity than in respect of the application site. As noted above, there is no bus service within the village. The agent advises that no business use is planned from the property. The study would allow for home working only.

The provision of one dwelling and its overall scale would be a reduction when compared to the previous schemes. Although it is acknowledged that three generations of one family would occupy the dwelling, the layout offers limited capability for separate living arrangements and communal living is more likely to occur (and the likely resultant reduction in journeys to and from the site) when compared to the previously proposed occupation of three separate homes and the single dwelling which was more conducive to separate living. Although a large dwelling, the proposal could also be occupied by a one-generation family. In any event, a condition could be imposed prohibiting the sub-division of the property to multiple dwellings.

The 1974 permission is not considered to set a precedent given the subsequent decisions relating to proposals on the site in the 1980s. The application can only be considered on the basis of its own merits and the potential for other forms of development on the site cannot be taken into account.

The application advises that the dwelling would be constructed to the equivalent of Level 6 of the Code for Sustainable Homes (which has now been abolished), which was the highest level achievable under this former national standard for the design and construction of sustainable new homes. A summary scoring report showing how the dwelling would achieve this level has been submitted. The Design and Access Statement also includes an Energy and Sustainability Statement which sets out that the dwelling would be at least 40% more efficient than the minimum standards required to obtain Building Control approval. The application states that the dwelling would attempt to achieve zero carbon emissions by way of ground source heating with biomass fires, very high insulative properties and air tightness in line with passive design strategies and low water usage fittings and rainwater harvesting would also be included. Local bricks and tiles are also proposed along with FSC timber.

As to whether the proposal would result in a sustainable form of development, it is acknowledged that the site is in a location remote from services and public transport and occupiers of the dwelling would be likely to be reliant on the use of the private car for accessing goods and services to meet their day to day needs. Development of a single dwelling would make only a limited contribution towards the five year housing land supply. The scheme has been reduced from three dwellings to one dwelling (albeit to be occupied by three generations

of one family) and the dwelling would incorporate sustainable design principles to achieve zero carbon emissions and the equivalent of Sustainable Code for Homes Level 6, which might help to offset the reliance on the private car to some degree but would not in itself make the development sustainable. Therefore, on balance it is considered that, whilst the proposal is contrary to planning policy and having regard to the previous refusals of dwellings on the adjacent field, the majority of the dwelling and garden would be located within the Limits to Development, the proposal is of a smaller scale than previous schemes and would be well related to and in keeping with existing development, would not be within the Sensitive Area and would result in limited harm to the character of the village as set out below. As such it is considered that on balance a reason for refusal on the grounds of the proposal constituting an unsustainable form of development could not be justified in this case.

Character of the Area:

The previous application for one dwelling on the front part of the adjacent field (14/01040/OUT) was in part refused on the basis that it would adversely affect and diminish the open character of the Sensitive Area and the contribution the site and the important view out of the centre of the village make to the rural setting and character of Normanton le Heath and would be contrary to Policies E1 and E4 of the adopted Local Plan and the NPPF.

The previous application for three dwellings on the rear part of the adjacent field was in part refused on the basis that development of the site for housing would result in an important view out of the centre of the village being lost to the detriment of the rural setting and character of Normanton le Heath and would be contrary to Policy E4 of the adopted Local Plan and the NPPF.

The site on which the dwelling would be located does not lie within the Sensitive Area designated under Policy E1 of the adopted Local Plan, although the majority of the proposed access drive would lie within this Area. Policy E1 provides that development will not be permitted within the Sensitive Areas, identified on the Proposals Map, which would adversely affect or diminish the present open character of such areas and the contribution they may make to the character, form and setting of settlements, the streetscene generally or the relationship with adjoining countryside.

In considering an earlier appeal lodged against a 1988 outline application for residential development in the Sensitive Area, an Inspector commented as follows:

'Normanton le Heath is a small village with strong linear form along Main Street. On the north-west side of Main Street, between the B5326 and Normanton Lane, the frontage has been developed apart from the appeal site. The development could be regarded as infilling, i.e infilling a small gap in an otherwise built up frontage, however, in this case, the appeal site has been specifically excluded from the limits to development and designated a Sensitive Area in the recently adopted plan, to which, I must give considerable weight. The site has several trees along the road frontage and there are fine views from Main Street across the site towards the rolling countryside in the direction of Packington and Ashby de la Zouch. This is the only substantial gap on the north-west side of Main Street and offers the only significant view of the countryside to the north. Outbuildings associated with farms and garages restrict the views between the existing dwellings. I therefore consider that this is an important vista to retain. I also consider that this open land contributes to the rural character of the village particularly due to its proximity to the designated Sensitive Area around the church on the opposite side of Main Street. Since 1984 it has been the aim of the Local Planning Authority to retain this area as open land within the village and I find no overriding reason to depart from this Policy. I conclude that this open land makes a significant contribution to the form and character of Normanton le

Heath and that the proposed development would harm the character and appearance of the village streetscene.' The appeal was dismissed.

The part of the site within the Sensitive Area forms part of a field that allows long and important open views from within the village of the wider countryside beyond, which contributes to the rural setting and character of the settlement. There are limited opportunities within the centre of the village for glimpses of the wider countryside beyond the settlement boundaries and therefore the Sensitive Area is considered to be an important vista that makes a positive contribution to the rural setting of the village.

The site of the proposed dwelling is separated from the wider field by a boundary of trees and vegetation and was and still is to some extent covered by areas of vegetation with mature trees/hedgerow on its southern boundary. As such there are no views through the site of the open countryside beyond. This part of the site therefore forms part of the backdrop to the wider field or foreground to nearby dwellings and makes a more limited contribution to the rural setting and character of the village than the field itself.

As such the proposed dwelling would not block views of the open countryside beyond. However the dwelling would form part of the backdrop to the adjacent field and Sensitive Area and part of the wider view towards the open countryside. The dwelling itself would not be subject to Policy E1 as it is not within the Sensitive Area. The dwelling would be of a large scale and the character of the view through the adjacent field would change with the introduction of development. However there would be no loss of the view of the countryside, the dwelling would be set back over 60 metres from the road, existing screening is available from trees and vegetation and it would be seen alongside existing dwellings. In views from the public footpath, the proposal would be more prominent than existing dwellings. However the character of this part of the footpath is less rural due to the presence of existing development, the dwelling would be seen in the foreground of existing dwellings and screening from trees/vegetation would be available. The route of the footpath (as shown on the Definitive Map and on the ground) also runs close to an existing dwelling.

Some of the vegetation on the northern part of the site would be removed and part of the northern boundary could be lost due to its proximity to the proposed dwelling, which would open up views of the site and the dwelling. However the trees/vegetation along the southern and remainder of the northern boundaries and on the western part of the site could be retained, therefore limiting views towards the open countryside and providing screening, which could be secured by condition.

The site is located to the rear of existing dwellings which is not a common feature of the village. Some 'backland' development has taken place at Highfields Close, on the site of a former farmyard, and whilst it is acknowledged that the nature of the application site is not comparable, the character of this part of the village is made up of development close to Main Street and set back at varying distances.

The majority of the driveway would lie within the Sensitive Area. However it would be located at its southern edge, adjacent to an existing dwelling, its width has been reduced to 2.75 metres and an appropriate surface could be secured by condition. Therefore it would not adversely affect or diminish the present open character of the Sensitive Area and the contribution it makes to the character, form and setting of the village, the streetscene and the relationship with adjoining countryside.

The proposal would result in a density of 14 dwellings per hectare, which is well below that

sought under Policy H6 of the adopted 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 nature of the settlement and character of the area.

It is therefore considered that the development would not be significantly detrimental to the rural setting and character of the village, and the wider field and views of the countryside and the Sensitive Area would still make a positive contribution to the form and character of the village. Therefore a finely balanced view is taken that the development would result in limited harm to the rural setting and character of the village and Sensitive Area.

Design:

The dwelling reflects, to some extent, the scale, proportions and design of the older and larger dwellings elsewhere in the village although it is recognised that it is not a complete reflection. The front element of the dwelling would have three floors of accommodation with the second floor provided in the roof and would incorporate traditional detailing. The side and parts of the rear are lower in height with the design of the side roofslope reducing the scale. There is also a mix in the scale and design of dwellings within the village. As such it is considered that the design of the dwelling complies with the provisions of Policies E4 and E7 of the adopted Local Plan.

Public Footpath

On site, public footpath O60 starts at the stile adjacent to the field gate (two-three metres from the site's southern boundary with The Laurels), and then crosses the site diagonally before leaving the site at the centre of its western boundary. However this does not appear to completely reflect the Definitive Map of Public Rights of Way, which shows the eastern stretch of the footpath's legal route running parallel with the site's southern boundary with The Laurels before turning to the north west towards the site's western boundary. The submitted plans appear to reflect the legal route of the footpath based on the Definitive Map and do not show the footpath to be diverted. An application for a Footpath Diversion Order would need to be made to divert the footpath. The County Council has provided advice regarding matters that need to be adhered to in respect of the footpath.

The dwelling would not affect the route of the footpath as it appears on the ground or based on the Definitive Map. The route of the footpath on the ground would be affected if the fencing was erected; however as noted above this route does not reflect the Definitive Map. The submitted plans show the legal route of the footpath to run alongside the proposed driveway. The County Footpaths Officer requested a holding objection to the original plans until matters relating to details of the footpath's relationship with the driveway and access were resolved. The amended plans show the legal route of the footpath to run alongside the proposed driveway, before crossing the driveway and through a gap in new post and rail fencing before continuing in a north westerly direction. The County Footpaths Officer sets out some further matters that need to be addressed which can be secured by condition and he has withdrawn his objection. As such a route for the public footpath would be provided within the site. Given that the legal route of the footpath would run alongside the proposed driveway which would serve one dwelling and that the County Footpaths Officer has no objections, it is considered that a reason for refusal on the basis of significant impact on the safety of users of the public right of way and not providing a safe and suitable access for all could not be justified in this case.

For the reasons set out earlier in this report in the section relating to 'Character of the Area' it is considered that the proposal would not significantly impact on the enjoyment of users of the footpath.

Highway Safety:

Concerns have been raised by the Parish Meeting and local residents in respect of highway safety matters, in particular the exacerbation of existing traffic and on-street parking problems and from traffic in particular associated with businesses. Concerns have also been raised by officers regarding the potential to accommodate appropriate parking spaces within the site, given the number of bedrooms proposed (six-seven), as well as adequate turning space. Amended plans showing four parking spaces which meet the required dimensions and useable turning space have been submitted. No businesses are proposed as part of the application, and the study could be used for home working. 2.4 metre by 43 metre visibility splays can be achieved in both directions. The County Highway Authority has not raised any objections in relation to highway safety matters and did not raise any objections in relation to the previous schemes for one and three dwellings. As such it is considered that a safe and suitable access could be provided and the proposal would not result in severe impacts on highway safety and would therefore comply with the advice in the NPPF and Policies T3 and T8 of the Local Plan.

Residential Amenities:

The proposal would result in traffic using the driveway which runs adjacent to The Laurels and its rear garden. 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. As noted earlier in this report the line of the footpath shown on the submitted plans appears to follow the legal route of the footpath closer to the boundary with The Laurels rather than the route on the ground which is approximately 8 metres from this boundary.

The proposed dwelling would be located within 1.5 metres of what appears to be part of the rear garden to Knights House. However this dwelling has a large rear garden, mature trees are located on the boundary and the side windows are either at ground floor or serve a non-habitable room. The proposed dwelling would also be 29 metres from the rear of Knights House.

The first floor front elevation of the dwelling would contain three windows (two serving habitable rooms) facing towards The Laurels and its rear garden, although no front rooflights are proposed. The Council's Development Guidelines seek a 22 metre back to back distance between new and existing dwellings. Whilst it is noted that the front of the proposed dwelling would face the rear of The Laurels, it reflects the general relationship of back to back dwellings with windows facing towards windows. The distance between the proposed dwelling and the closest rear part of The Laurels would be 34 metres with the part of The Laurels containing the majority of its rear windows being 36 metres away. Both of these distances exceed the guideline distance noted above. There would be a distance of 16.5 metres between the proposed dwelling and The Laurels' rear garden. The Development Guidelines set out that a usual garden depth would be 11 metres and using the 22 metre distance referred to above, the distance between a new dwelling and an existing dwelling's garden would be 11 metres. As such it is considered that there is an appropriate distance between the proposed dwelling and The Laurels' garden. Whilst it is noted that there is currently an open aspect to the rear of The Laurels, it is not unusual to have dwellings located to the rear of dwellings. On this basis it is considered that a reason for refusal based on significant detriment to the amenities of occupiers of The Laurels from overshadowing, loss of privacy and an oppressive outlook could not be justified in this case.

Historic Environment

Section 66 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. 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 NPPF 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.

The application site lies to the north west of the Grade II* listed Holy Trinity Church which is sited on the opposite side of Main Street. As the church dates from the 14th century and its spire is visible in views within the village and from longer distances due to its position on a higher ground, the church is considered to have significance due to its age, its local style, its relationship with the development of the village and its visibility in the landscape. The development site falls within the setting of church and, therefore, the impact of the development on the setting of the listed building should be given special regard as required by the 1990 Act. The proposed dwelling would be seen in views of the church spire from public footpath O60, from the stretch that runs through the western part of the adjacent field and from more westerly parts. The main body of the church is already screened by existing development on Main Street. The proposed dwelling would not completely obscure views of the church spire from the footpath due to its position on the application site and existing screening of the spire by trees on the site's boundaries and as views of the spire would change as walkers progress along the footpath. Whilst the dwelling would be seen in views alongside the spire and would be of a large scale, the spire is also seen alongside other development within the village and alongside existing trees within and close to the site. It is unlikely that the proposed dwelling would be prominent in views of the church from Ashby Road to the north of the village due to topography and screening from existing vegetation.

The Conservation Officer advises that elements of the proposal would affect the setting of the church although he does not raise concerns regarding the impact of the dwelling itself. The new driveway and post and rail fencing would be seen in the foreground of the church and in wider views from Main Street. However the driveway would be narrow in width and as it and the fencing would be located at the edge of the field, they would be seen alongside The Laurels and its close boarded fence. A post and rail fence would be an appropriate boundary treatment in such a location and reflects that to the front of the site and a gravel surface is considered to be appropriate in this location. The driveway would be served by an existing field access and details of its gates could be secured by condition.

It is therefore considered that the proposal would be harmful to the significance of the heritage asset but that this would not involve substantial harm or total loss of significance for the reasons set out above. Therefore the proposals amount to less than substantial harm to the significance of the heritage asset and would not result in significant detriment to the special architectural or historic interest, character or setting of the listed church, thereby sustaining its significance.

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 assets is in this case considered on balance to be outweighed by the erection of a dwelling which would be constructed to a high environmental standard.

The County Archaeologist advises that there is good potential for below ground archaeological

deposits to be present on site and therefore recommends the imposition of conditions relating to archaeological investigation, mitigation and recording.

River Mease SAC/SSSI:

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

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

Although the site lies within the catchment of the River Mease, Severn Trent Water has advised in respect of a previous application that waste water from the site would be pumped to Ravenstone Sewage Treatment Works which lies outside the River Mease catchment area. Therefore the proposal would not contribute additional wastewater within the River Mease catchment and would not be subject to the requirements of the DCS.

In terms of surface water run-off, the application advises that surface water would be dealt with by a sustainable drainage system which can be secured by condition. 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 proposal would result in the loss of agricultural land. However, when having regard to the size of the site, it is not considered that the proposal would result in a significant loss of agricultural land in the area. The County Ecologist raises no objections in relation to ecology and protected species. Whilst some trees and vegetation would be lost, there is other vegetation on the site and locality that could be used by bats and breeding birds. A relatively small area of grassland would be lost in the context of the wider area.

With regard to comments raised by local residents that have not already been covered above, the personal circumstances in terms of one of the applicants having previously lived in the village does not have any weight in this case and the Council cannot take into account whether previous attempts have been made by the applicants to live elsewhere in the village. It is considered that one dwelling is unlikely to have a significant impact on telecommunications provision. Impact on views and property values is not a planning matter that can be taken into account.

In respect of the concerns raised regarding inaccuracies and misleading information/photographs in the application submission, the submitted information together with all of the information gathered when undertaking the site visit and assessing the application have allowed for the application to be fully and adequately assessed.

In terms of concern about the proposal setting a precedent, it is a fundamental principle of planning legislation that each application should be assessed on its own merits. Other sites will be affected by a different set of circumstances. The statutory period for consultation of local

residents and consultees was undertaken when the application was first submitted and further consultation has been undertaken in respect of the amended plans.

Conclusion

It is considered that on balance a reason for refusal on the grounds of that the proposal constitutes an unsustainable form of development could not be justified in this case. The development would result in limited harm to the rural setting and character of the village and Sensitive Area and the design of the dwelling complies with the provisions of Policies E4 and E7 of the adopted Local Plan. The legal route of the public footpath that crosses the field would be retained and the proposal would not significantly impact on the enjoyment of users of the footpath. It is considered that the proposal would not adversely impact on highway safety or protected species. A reason for refusal based on significant detriment to the amenities of occupiers of The Laurels from overshadowing, loss of privacy and an oppressive outlook could not be justified. The site proposal would result in less than substantial harm to the designated heritage asset and this harm can be outweighed by public benefit. Conditions relating to archaeology could be imposed. 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 following condition(s):

- 1 The development shall be begun before the expiration of three years from the date of this permission.

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

- 2 The proposed development shall be carried out strictly in accordance with Drawing No. 2728_032 Rev B (Existing and Proposed Site Plans) received by the Local Planning Authority on 15 January 2016 unless otherwise required by a condition of this permission:

Reason- To determine the scope of this permission.

- 3 No development shall commence on site until such time as precise details of the existing and finished ground levels on the site and the proposed floor levels of the dwelling and 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.

- 4 No building shall be erected on site above damp proof course until details/drawings/representative samples (as appropriate) of the:-

- (i) Bricks and brick bond;
- (ii) Roof tiles;
- (iii) Materials and paint finish for the windows and doors and their headers and cills;

- (iv) Drawings of the proposed door and window units and rooflights including headers and cills, to a scale of 1:10;
- (v) Eaves and corbelling details to a scale of 1:10;
- (vi) Chimney details to a scale of 1:10

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 enable the Local Planning Authority to retain control over the external appearance in the interests of visual amenities, as precise details have not been submitted.

- 5 No development shall commence on site until details of the sustainability/low or zero carbon measures as set out in the Code for Sustainable Homes Achievement Plan and email from Gary Phillips received by the Authority on 12 January 2016 and the Energy and Sustainability Statement received by the Authority on 12 November 2015 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 shall thereafter be so retained.

Reason- these measures form part of the assessment of the sustainability of the proposal.

- 6 The curtilage relating to the dwelling hereby approved shall be confined to the area hatched in black on the attached plan number LPA/15/01097/FUL.

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

- 7 Notwithstanding the provisions of Part 1 (Classes A, B, C 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) the dwelling hereby permitted shall not be enlarged, improved or altered (excluding the installation of windows subject to the provisions of condition 9) nor shall any building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse be provided within the curtilage of the dwelling, 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 site's relationship with The Laurels and its rural location.

- 8 The first floor windows serving ensembles in the southern and eastern elevations of the dwelling shall be glazed with obscure glass (to at least Pilkington Level 3 or its equivalent), which shall thereafter be retained unless planning permission has first been granted by the Local Planning Authority.

Reason- to avoid the possibility of overlooking in the interests of preserving the amenities of residents.

- 9 Notwithstanding the provisions of Part 1 of Schedule 2, Article 3, of the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any Order revoking and re-enacting that Order) no window or opening (other than any that may be shown on the approved drawings) shall be formed in the first and second floors and roofslopes of the southern elevation and the roofslope of the eastern elevation

unless planning permission has first been granted by the Local Planning Authority.

Reason- to avoid the possibility of overlooking in the interests of preserving the amenities of residents.

- 10 The development hereby approved shall be occupied as one dwelling and each part of the dwelling shall not be severed from the principal house as a separate and unconnected dwelling.

Reason - the creation of additional dwellings is likely to be unacceptable in this location on sustainability and highway safety grounds.

- 11 Before the external materials to the roof are installed to the dwelling hereby approved:
(i) the means of disposal of surface water from the dwelling to soakaways or other sustainable drainage system shall be installed on site and thereafter so retained; or
(ii) evidence to demonstrate that these means of drainage are not suitable for the dwelling and alternative details of surface water discharge to mains sewer have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be provided before the external materials to the roof of the dwelling are installed and shall thereafter be so retained.

Reason- To prevent an adverse impact on the River Mease Special Area of Conservation.

- 12 Before first occupation of the dwelling hereby approved the following shall be provided:
(i) one metre by one metre pedestrian visibility splays on the highway boundary on both sides of the access;
(ii) 2.4 metre by 43 metre visibility splays at the junction of the access with Main Street on both sides of the access;
(iii) the access drive in accordance with the details shown on Drawing No. 2728_032 Rev B (Existing and Proposed Site Plans) 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;
(iv) four car parking spaces (which can include one garage space) and turning space in accordance with the details shown on Drawing No. 2728_032 Rev B (Existing and Proposed Site Plans) and hard surfaced;

Once provided the access drive, parking and turning space and visibility splays shall thereafter be permanently retained. Nothing shall be allowed to grow within the visibility splays above a height of 0.6 metres above ground level.

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; in the interests of pedestrian safety; 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 can leave the site in a forward direction.

- 13 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.

- 14 Before its first use and subject to the provisions of condition 12 the driveway shall be surfaced in gravel in accordance with the details shown on Drawing No. 2728_032 Rev B (Existing and Proposed Site Plans) and the legal route of public footpath O60 shall be laid with grass, both of which shall thereafter be so retained.

Reason: in the interests of visual amenity and the setting of the listed church.

- 15 Notwithstanding the submitted plans, if any boundary treatment is erected to the northern/western boundary of the driveway then details of a gap, hand gate or kissing gate to the legal route of public footpath O60 shall be submitted to and agreed in writing by the Local Planning Authority. The gap or gate shall be provided in accordance with the agreed details, with the remainder of the boundary treatment provided in accordance with the details of post and rail fencing shown on Drawing No. 2728_032 Rev B (Existing and Proposed Site Plans) and shall thereafter be so retained.

Reason: in the interests of visual amenity and the setting of the listed church and in the interests of users of the public footpath.

- 16 Before any gates are erected to the access, driveway, parking and turning area or to the junction of public footpath O60 with Main Street and before any boundary treatment is provided to separate public footpath O60 from the driveway then details of the gates and/or boundary treatment shall be submitted to and agreed in writing by the Local Planning Authority. The gates and/or boundary treatment shall be provided in accordance with the agreed details and thereafter be so retained.

Reason: in the interests of visual amenity and the setting of the listed church and in the interests of users of the public footpath.

- 17 Before the dwelling hereby approved is first occupied a soft and hard landscaping scheme and boundary treatment scheme for the dwelling and its garden, including retention of existing trees/vegetation, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed soft landscaping scheme shall be provided in full in the first planting and seeding season following the first occupation of the dwelling and the hard landscaping and boundary treatment schemes shall be provided before the dwelling is first occupied, unless alternative implementation programmes are first agreed in writing by the Local Planning Authority.

Reason- to ensure satisfactory landscaping is provided within a reasonable period and in the interests of visual amenity.

- 18 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

Reason- to provide a reasonable period for the replacement of any trees.

- 19 No development shall commence until such time as a programme of archaeological work (strip, plan and record excavation), including a Written Scheme of Investigation, has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:
- o The programme and methodology of site investigation and recording;
 - o The programme for post-investigation assessment;
 - o Provision to be made for analysis of the site investigation and recording;
 - o Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - o Provision to be made for archive deposition of the analysis and records of the site investigation;
 - o 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 The dwelling hereby approved shall not be occupied until the site investigation and post investigation assessment have been completed in accordance with the programme set out in the Written Scheme of Investigation agreed under condition 19 and the 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 protective fencing in accordance with Figure 2 of BS: 5837: 2012 (Trees in Relation to Design, Demolition and Construction) has been erected to the dashed/dotted line around the trees on the site and the retained section of vegetation to the immediate north of the dwelling as shown on Drawing No. 2728_032 Rev B (Existing and Proposed Site Plans). The protective fencing shall remain in place until all construction works are complete unless an alternative timescale is first agreed in writing with the Local Planning Authority.

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

- 22 If any development will take place within the fenced areas to the trees/vegetation then no development shall commence on site in respect of these works until such time as a design and method statement for these works including details of changes to ground levels and arboricultural surface requirements have been submitted to and agreed in writing by the Local Planning Authority. All works within the fenced 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/vegetation.

- 23 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 the trees/vegetation.

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

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 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.
- 3 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.
- 4 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.
- 5 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.
- 6 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.
- 7 The continuation of the public footpath beyond the driveway must not be further enclosed in any way without further discussions with the Highway Authority (0116 305 0001). The signage currently located along the public footpath may need to be moved to construct the new access and if it is removed or damaged during works associated with the development, then the Highway Authority will require it to be replaced at the applicant's expense.
- 8 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
- 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

PLANNING APPLICATIONS- SECTION A