

Demolition of existing mill and associated buildings and erection of 19 no. dwellings and associated works.

Report Item No
A5

Holywell Mill Burton Road Ashby De La Zouch Leicestershire
LE65 2LL

Application Reference
15/00732/FULM

Applicant:
Peveril Homes Limited / Dunkton Rushton Ltd

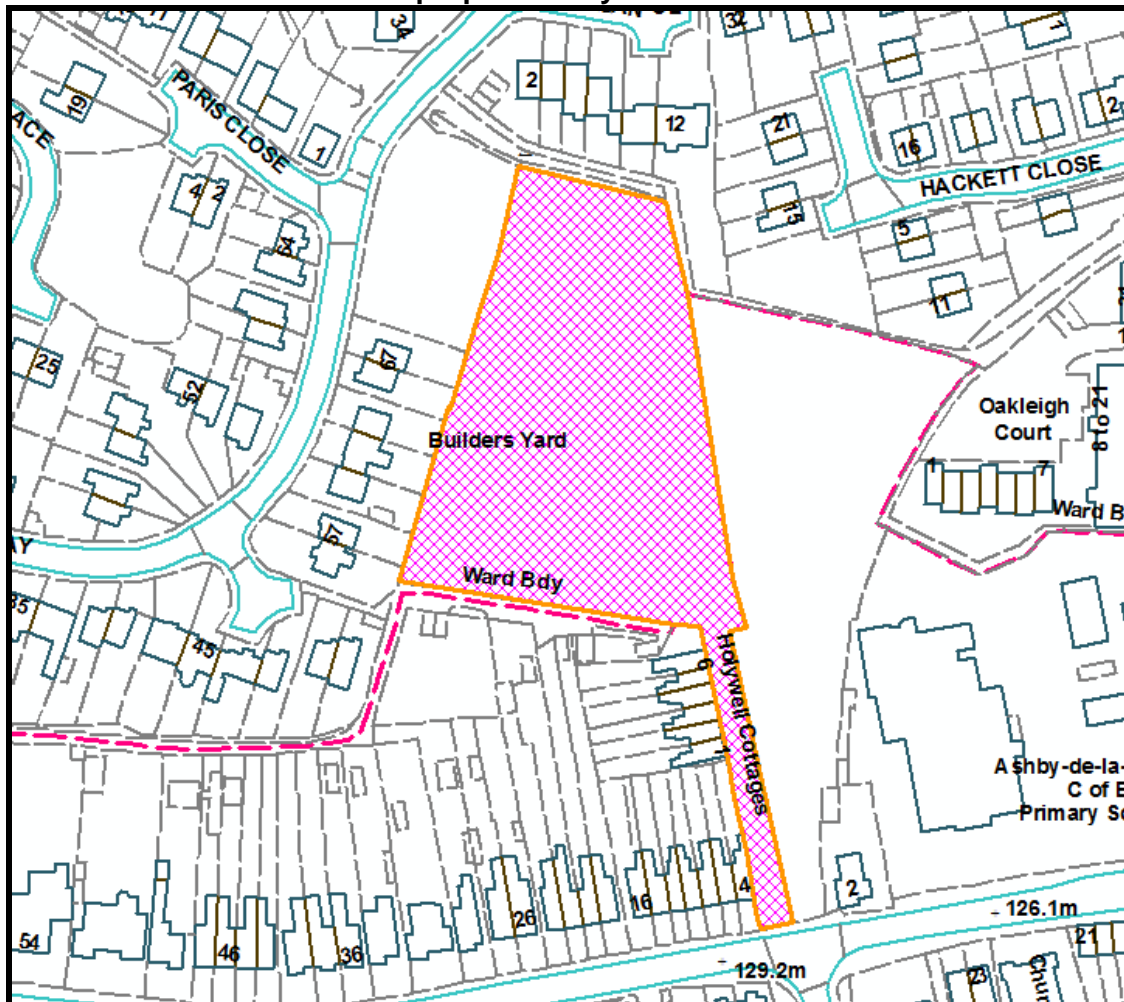
Date Registered
26 August 2015

Case Officer:
Ebbony Mattley

Target Decision Date
25 November 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

Reason for Call In

The application is brought before Planning Committee as Councillor Nick Rushton is the applicant. Councillor Roger Bayliss also requested the application be put to Planning Committee, stating that it is a matter of local concern.

Proposal

Full planning permission is sought for the demolition of Holywell Mill and its associated buildings, and following the submission of amended plans the scheme now seeks the erection of 19 no. dwellings.

Consultations

Members will see from the main report below that there are objections from 16 addresses to the scheme, and objections from Ashby de-la Zouch Town Council. There are no other objections raised from statutory consultees and 2 letters of support have been received.

Planning Policy

The application site is located within Limits to Development as defined in the adopted North West Leicestershire Local Plan.

Conclusion

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the discussions within the main body of the report, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The principle of residential development on the site has already been established by the granting of full planning permission ref: 09/00082/FULM for the conversion of the mill building and erection of new buildings to provide a total of 44 no. dwellings on site.

Whilst there is no objection in principle to residential development on the site, this must be carefully balanced against the loss of the mill and against all other planning matters being adequately addressed.

For the reasons discussed in the main report below, whilst it is acknowledged that that the building is of some local importance/significance, on balance on the basis that Historic England did not consider the Mill worthy of listing, the fact that it could be proposed to be demolished through the prior approval procedure and given the benefits in terms of the very high quality designed scheme, and building on brownfield land in a sustainable location and the fact that appropriate historic building recording would be secured by way of a condition, it is not considered that a reason for refusal based upon on the demolition and loss of the building would sustain a reason for refusal in this case.

The proposed development, subject to the imposition of conditions, would be acceptable in

terms of density, layout, design, impact upon PROW, residential amenities, highway safety, land contamination, flood risk and drainage, ecological impacts and impact on the River Mease SAC/SSSI and no other technical issues are considered to arise.

A viability appraisal has been submitted by the applicants to demonstrate that it would not be viable to provide on-site affordable housing with all other financial contributions. This has been independently assessed by the District Valuer who is in the agreement with the findings and an off-site affordable housing contribution of £90,000 has been secured, in lieu of on site provision, which for the reasons discussed below, is considered acceptable, in this case.

It is therefore recommended that planning permission be granted, subject to conditions and the signing of the S106 Agreement.

RECOMMENDATION - PERMIT, APPROVE SUBJECT TO SECTION 106 OBLIGATIONS AND THE IMPOSITION OF CONDITIONS

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

MAIN REPORT

1. Proposals and Background

Full planning permission is sought for the demolition of Holywell Mill and its associated buildings, and the erection of 19 no. Dwellings comprising 2 and 3 bedroomed properties.

During the course of the application, following concerns raised by officers, amended plans have been received amending the layout and house designs. Re-consultation has been undertaken with all originally consulted neighbours, all those who had made comments, Ashby Town Council, the County Highway Authority, the County Archaeologist and the Council's Urban Design and Conservation Officers.

The existing access to the site from Burton Road would be utilised. Holywell Mill, along with the properties at Nos. 1-6 (inc) Holywell Cottages, are accessed off Burton Road via a private drive, which has a tarmac surface and is without a demarked pedestrian pathway. The drive also provides vehicular access to garaging and parking areas to the rear of properties fronting onto Burton Road.

The application site is adjoined to the west by an area of public open space and the rear gardens of dwellings on Rouen Way, which are situated at a higher land level than the application site. To the east the site is bound by an open grassed area; beyond which to the south-east is Ashby de la Zouch Church of England Primary School. A public footpath linking Rouen Way to Smisby Road runs along the northern boundary of the site - and in part along the eastern boundary - beyond which are properties situated on Roedean Close.

The site is situated within limits to development as defined in the adopted North West Leicestershire Local Plan and within the catchment area of the River Mease Special Area of Conservation (SAC).

Recent Planning History:-

In 2008, an application for full planning permission ref: 08/00726/FULM was submitted for the conversion of the mill building and erection of extensions and new buildings to provide a total of 44 No. dwellings on the site. The application was withdrawn when it came to light that the incorrect land ownership certificate had been completed on behalf of the applicants.

A revised application for full planning permission ref: 09/00082/FULM was subsequently submitted for the conversion of the mill building and erection of extensions and new buildings to provide a total of 44 No. dwellings on the site including access, bin stores and an onsite children's play area. Due to River Mease issues, the application was only determined in February 2015 by Members, following the submission of additional information.

2. Publicity

85 neighbours have been notified (date of last notification 18 May 2016)

Site Notice displayed 26 August 2015

Press Notice published 9 September 2015

3. Consultations

Ashby De La Zouch Town Council consulted 26 August 2015

Head of Environmental Protection consulted 14 July 2016
County Highway Authority consulted 26 August 2015
Severn Trent Water Limited consulted 26 August 2015
Natural England- Within 2k Of SSSI consulted 26 August 2015
NWLDC Tree Officer consulted 26 August 2015
County Archaeologist consulted 26 August 2015
LCC ecology consulted 26 August 2015
NWLDC Conservation Officer consulted 26 August 2015
NWLDC Urban Designer consulted 26 August 2015
National Forest Company consulted 26 August 2015
LCC Fire and Rescue consulted 26 August 2015
LCC Development Contributions consulted 26 August 2015
NHS Leicester, Leicestershire And Rutland Facilities Management consulted 26 August 2015
Head Of Leisure And Culture consulted 26 August 2015
Manager Of Housing North West Leicestershire District Council consulted 26 August 2015
Police Architectural Liaison Officer consulted 26 August 2015
LCC Flood Management consulted 26 August 2015
Building Control - NWLDC consulted 26 August 2015
Head Of Street Management North West Leicestershire District consulted 26 August 2015
Head of Environmental Protection consulted 2 September 2015
County Archaeologist consulted 18 May 2016
LCC/Footpaths consulted 24 September 2015

4. Summary of Representations Received

Ashby de-la Zouch Town Council objects on the following grounds:-

Highway safety with a poor access road;
Loss of part of Ashby's history with the demolition of the mill which is a town landmark and a historic building; and
No affordable housing being provided.

Natural England has no objections, subject to the imposition of planning conditions.

Severn Trent has no objections, subject to the imposition of a planning condition.

Lead Local Flood Authority has no objections, subject to the imposition of planning conditions.

The National Forest requests an off-site contribution of £2,000.00 towards National Forest planting.

The County Highway Authority has no objections, subject to the imposition of planning conditions.

The County Footpaths Officer has no objections, subject to the imposition of notes to the applicant.

The County Archaeologist has no objections, subject to the imposition of planning conditions.

The County Ecologist has no objections, subject to the imposition of planning conditions.

The Council's Environmental Protection Team has no objections.

The Council's Urban Designer raises no objection, subject to conditions.

The Council's Conservation Officer states that the balance of the loss of the significance of the mill should be weighed against the public benefits of the proposal.

The Council's Affordable Housing Enabling Officer states that the scheme is required to provide a minimum of 30% affordable housing which equates to 6 properties.

Third Party Representations

16 letters of representation have been received raising the following objections:-

The building should be protected, not demolished

It is an important, iconic, landmark local building and a part of the industrial heritage of Ashby

Loss of small businesses and loss of jobs and an existing lease until 2018

Insufficient infrastructure and impact upon the Primary School

How will drainage be provided

Will Holywell Cottages be retained and will they have car parking spaces

Will the proposed development be served by an adequate and maintained road that will provide for vehicle and pedestrian access to all properties?

Increase in traffic, in close proximity to a school, a right of way exists, visibility concerns, narrow road, lack of footpath and impact upon highway safety

What planning and highway requirements will be included in any consent?

Has a bat survey been undertaken?

1 letter of support has been received stating:-

It is a first time a developer has not tried to squash in as many dwellings on the site, as possible.

A sensible number of dwellings for the site

The mill is a shell, with little historic significance and visually cannot be seen from the main roads when you enter Ashby

The current commercial activities, dust and noise from the Mill cause a nuisance to some residents, so the demolition will result in benefits to local residents.

Following re-consultation on the amended plans, 1 further letter of support has been received stating:-

The existing mill is of no historical importance

The businesses which operate from these premises cause ongoing problems of noise and dust from taxis and building yard and music rehearsal's late into the evening

The development is of a sensible size

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

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in

existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

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

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

Paragraph 9 (Achieving sustainable development);
Paragraph 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraphs 18-20 (Building a strong, competitive economy);
Paragraph 32 (Promoting sustainable transport);
Paragraph 34 (Promoting sustainable transport);
Paragraph 35 (Promoting sustainable transport);
Paragraph 39 (Promoting sustainable transport);
Paragraph 47 (Delivering a wide choice of high quality homes);
Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 50 (Delivering a wide choice of high quality homes);
Paragraph 54 (Delivering a wide choice of high quality homes);
Paragraph 56 (Requiring good design);
Paragraph 57 (Requiring good design);
Paragraph 58 (Requiring good design);
Paragraph 59 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 64 (Requiring good design);
Paragraph 69 (Promoting healthy communities);
Paragraph 74 (Promoting healthy communities);
Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 109 (Conserving and enhancing the natural environment);
Paragraph 112 (Conserving and enhancing the natural environment);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 119 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 122 (Conserving and enhancing the natural environment);
Paragraph 123 (Conserving and enhancing the natural environment);
Paragraph 124 (Conserving and enhancing the natural environment);
Paragraph 129 (Conserving and enhancing the historic environment);
Paragraph 131 (Conserving and enhancing the historic environment);
Paragraph 173 (Ensuring viability and delivery);
Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (Planning conditions and obligations).

Adopted North West Leicestershire Local Plan (2002)

The application site is within the Limits to Development as defined in the adopted North West

Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan;
Policy S2 - Limits to Development;
Policy E2 - Landscaped Amenity Open Space;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy E8 - Crime Prevention;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy H4/1 - Housing Land Release;
Policy H6 - Housing Density;
Policy H7 - Housing Design;
Policy H8 - Affordable Housing;
Policy L21 - Children's Play Areas.

Publication Version North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council approved a draft Local Plan for consultation. That consultation has now ended and the publication version of the Local Plan was agreed by Council on 28th June 2016 with a view to its submission for examination in September 2016. Given the more advanced stage that has now been reached with agreement of a publication version of the Local Plan it is considered that more weight can be attached to the following policies:

S1 - Future Housing and Economic Development Needs
S2 - Settlement Hierarchy
D1 - Design of New Development
D2 - Amenity
H1 - Housing Provision: Planning Permissions
H4 - Affordable Housing
H6 - House Types and Mix
IF1 - Development and Infrastructure
IF2 - Community and Cultural Facilities
IF3 - Open Space, Sport and Recreation Facilities
IF4 - Transport Infrastructure and New Development
IF7 - Parking Provision and New Development
EN2 - River Mease Special Area of Conservation
EN3 - The National Forest
CC2 - Water - Flood Risk

Emerging Ashby de la Zouch Neighbourhood Plan

On 2 May 2016 Ashby de la Zouch Town Council commenced public consultation on a pre-submission Neighbourhood Plan. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Neighbourhood Plan has progressed, only very limited weight can be attributed to its policies at this stage.

Policy S1 - Presumption in favour of sustainable development
Policy S2 - Limits to Development
Policy S3 - Development proposals outside of the Limits to Development

Policy S4 - Design
Policy S5 - Priority to be given to brownfield sites
Policy H4 - Housing Mix
Policy H5 - Affordable Housing
Policy TC4 - Residential Development
Policy T1 - Sustainable Development
Policy T4 - Walking and Cycling
Policy T6 - Car Parking
Policy ELWB 3 - Open Space, Sport and Recreation Provision in New Developments
Policy ELWB 9 - Buildings and Structures of Local Heritage Interest

Other Policies/Guidance

National Planning Practice Guidance

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

North West Leicestershire District Council Affordable Housing SPD

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in Ashby de la Zouch.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within Ashby de la Zouch.

North West Leicestershire District Council Play Area Design Guidance SPG

The District Council's Play Area Design Guidance SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development;

Leicestershire County Council Statement of Requirement for Developer Contributions in Leicestershire

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

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

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

Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

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

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

6. Assessment

The main considerations with regards to this application are the principle of development, design and heritage issues, impact upon residential amenity, highway considerations, impact upon the River Mease SAC/SSSI, developer contributions, viability and other matters.

Principle of Development

The principle of residential development on the site has already been established by the granting of full planning permission ref: 09/00082/FULM for the conversion of the mill building and erection of new buildings to provide a total of 44 no. dwellings on site.

It should be noted however that this application differs in the number and layout of units proposed and most noticeably by proposing the demolition of the existing Mill.

There have been no changes to central government guidance or local development policies since the previously application was granted, although consideration will be given below to the Publication Version North West Leicestershire Local Plan which is now afforded some weight.

The site is identified (H1e) within Policy H1 of the Publication Version North West Leicestershire Local Plan as a site which benefits from planning permission for housing development. The Policy states that in the event that planning permission lapses on the site it will be renewed, subject to the policies of this Local Plan and any other material considerations.

Accordingly whilst there is no in-principle objection to residential development on the site, this must be carefully balanced against the loss of the mill and against all other planning matters, being adequately addressed.

Non Designated Heritage Asset

Holywell Mill is a four storey brick built structure which was constructed as a flour mill in the 1870s. The Mill, which was the subject of an unsuccessful request for listing building designation, has been the subject of subsequent external alteration - particularly in the post war period - including the erection of extensions to the front and western side elevations of little or no architectural merit.

The principal Mill building, whilst not having listed status, is nevertheless considered to be an important building within the townscape of Ashby de la Zouch.

Within the previous 2009 application, the scheme proposed to demolish all existing buildings at the site, other than the principal Mill building and it was considered that the retention and refurbishment as part of the scheme was considered in principle to be to the benefit of the amenities of the locality.

For the avoidance of doubt the building and site is also not designated/listed on a 'local list'. The Council's Conservation Officer, however states that the mill can be considered to be a 'non-designated heritage asset' as it illustrates an important aspect of local economic history and appears in a recognised gazetteer of industrial archaeology.

Paragraph 135 of the NPPF states that:-

The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weight applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage assets.

The Council's Conservation Officer states that the balance of the loss of the significance of the mill should be weighed against the public benefits of the proposal, as set out in Paragraph 133 of the NPPF.

Public Benefits of the Proposal

During the course of the application, discussions have been undertaken with the applicant and the Councils' Urban Design and Conservation Officers to improve the layout and design of the scheme. Subsequently amended plans have been submitted to reflect the discussions, which also led to the reduction to 19 dwellings.

The amended plans have been considered by the Council's Urban Design Officer who has assessed the scheme against Building for Life 12 (BfL12) and confirms that:-

A BfL12 review of this scheme demonstrates that the scheme performs very well against BfL12 and is therefore considered consistent with NPPF policies relating to design, emerging Local Plan policies relating to design...I am of the view that the proposed development is of a very high standard. Subject to the imposition of planning conditions and high quality implementation it has the potential to become an exemplar scheme for the District."

Based on the above and subject to conditions, the scheme would score 11 'greens' out of 12 and is therefore considered to be of a very high standard and potential to be an exemplar scheme in term of it's design. By way of comparison, the previous application for the retention of the Mill was scored 13 out of 20 which equated to an 'average score' and it was reported to be a missed opportunity and fell short of the standard of design with Building for Life 14+ used by the Council as the design quality indicator (at that time) for the determination of schemes.

The scheme is therefore in accordance with Saved Policies E4 and H7 of the Adopted Local Plan and Policy D1 of the Publication Version North West Leicestershire Local Plan.

The site is also brownfield and the NPPF (Paragraph 111) is supportive of re-using land that has been previous developed (brownfield land), provided that it is not of high environmental value.

In addition to the high quality scheme, the scheme also provides additional benefits by contributing to the Council's five year housing land supply position, affordable housing provision (or financial contribution, as discussed later in the report) and re-developing and building on brownfield land.

Other Considerations

It is important to note that in the event this application was refused, based upon the demolition of the Mill, that the applicant could submit a demolition application, through the prior approval procedure, with the only considerations being the means of demolition and the proposed restoration of the site (and no historic building recording as discussed below). On this basis, should such an application be submitted, the Authority would not be in a position to refuse the prior approval application and therefore the mill could be demolished. Indeed the applicant could have, at any point during the course of this application, chosen to submit a prior approval for demolition, which as discussed above, could have been issued and the applicant could have then sought to amend the description of this proposal and remove the need to seek planning permission for the demolition element.

It is also considered whilst planning permission has previously been granted for a scheme which retained the principal Mill Building, that scheme comprised 16 no. one bedroom apartments, 17 no. two bedroom apartments, 6 no. three bedroom units (of which 3 no. were apartments) and 3 no. four bedroom dwelling units. As such 36 of the units were apartments. It is considered that within the current climate, there appears to be preference for dwellings and less of a market for apartments and flats, hence the reason for this submission and not choosing to implement the previous approval.

Paragraph 141 of the NPPF states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost. The scheme has been considered by the County Archaeologist who confirms that the building is, or has the potential to include a heritage asset(s) with an archaeological interest and therefore recommend a condition is imposed requiring the applicant completes an appropriate level of historic building surveying and recording, prior to demolition. Accordingly a condition is recommended to secure this.

The Council's Conservation Officer has also recommended that a condition is imposed ensured that the mill is not demolished until a contract for the re-development of the site has been entered into. For the reasons discussed above (that the mill could be demolished by an alternative procedure) and no development would have to proceed, it is not considered reasonable to impose a condition to this affect.

In summary, whilst it is acknowledged that that the building is of some local importance/significance, on balance on the basis that Historic England did not consider the Mill worthy of listing, the fact that it could be proposed to be demolished through the prior approval procedure and given the benefits in terms of the very high quality designed scheme, and building on Brownfield land in a sustainable location and appropriate historic building recording would be secured by way of a condition, it is not considered that a reason for refusal based upon on the demolition and loss of the building would sustain a reason for refusal in this case.

Impact upon Residential Amenity

The site is adjoined to the west by No's 55, 57 ,59 ,61 ,63 ,65 and 67 Rouen Way. The closest relationship between properties on Rouen Way and the proposal would be between No. 61 Rouen Way and plot 7. There would a distance of 19.8 metres between the closest point (most easterly projection of No. 61) and the rear wall of the main two storey part of the dwelling, with a distance of 16.8 metres to the proposed single storey element of plot 7. Whilst the Council's Development Guidelines usually seeks for a distance of 22 metres, it is not considered that this

distance between, given that the closest element would be single storey in scale and non-habitable in nature, would result in the scheme leading to an un-acceptable level of impact upon the occupiers of No. 61 in terms of overlooking, overshadowing or overbearing impacts.

There is a distance of 22 metres the rear wall of No. 67 Rouen Way and the rear of plot 10, with part of the proposed garage (to serve plot 10) sited 15 metres away from the rear wall of No. 67, with the rear wall of No. 65 Rouen Way located 16 metres away from the garage proposed to serve plot 9. It is considered that the back-to-back relationship is considered to be at a sufficient distance to ensure no significant detrimental impacts and as discussed above by virtue of the single storey scale of the garages and non-habitable nature, they are not considered to give rise to any un-acceptable adverse impacts upon the occupiers of No's 65 and 67 Rouen Way.

No 63 Rouen Way would be located 22.5 metres from the two storey element of the rear wall of plot 8, although plot 8 also provides a single storey element which would reduce the distance from the rear wall of No. 63 Rouen Way to the closest part of the dwelling to 19.6 metres. These distances are considered to be acceptable, and given that the closest distances are to the single storey element, this is not considered to result in any overlooking, overshadowing or overbearing impacts.

To the north of the site are No's 2, 4, 6, 8, 10 and 12 Roedean Close. The closest relationship between properties on Roedean Close and the proposal would be between No 10 Roedean Close and plot 15, where there would be a distance of approximately 20 metres back-to-back which is considered to be an acceptable distance, with existing trees assisting in screening, in-between. Within all other relationships there would be an approximate distance between 23-25 metres which is considered to be acceptable to ensure no detrimental impacts upon the occupiers of the neighbouring, or future occupiers.

No's 1-6 Hollywell Cottages would be located to the south of the site. There is a distance of approximately 17 metres between the rear wall of plot 1 and the side wall of No. 6 Holywell Cottage, which is considered sufficient distance to ensure no significant adverse impacts, in terms of overlooking, overshadowing or overbearing impacts.

All other neighbouring properties are considered to be sited at sufficient distances away not to be adversely impacted upon as a result of the scheme.

Overall, subject to the imposition of conditions, it is considered that the development would not have any significant detrimental impact upon the amenity of neighbouring residential properties (or future neighbouring residents) and the proposal is considered to be acceptable in relation to Saved Policy E3 of the Adopted Local Plan and Policy D2 of the Publication Version North West Leicestershire Local Plan.

Highway Considerations

The existing access to the site from Burton Road would be utilised. Holywell Mill, along with the properties at Nos. 1-6 (inc) Holywell Cottages, are accessed off Burton Road via a private drive, which has a tarmac surface and is without a demarked pedestrian pathway. The drive also provides vehicular access to garaging and parking areas to the rear of properties fronting onto Burton Road.

The scheme has been considered by the County Highway Authority (CHA) who raise no objection, subject to the imposition of planning conditions.

During the course of the application amended plans have been received showing revisions to the layout and house types, to provide a greater range of integral, in front and side of plot parking and detached garages. Subsequently amended plans have been received which now show all 2 bedroom properties with 2 spaces, with 3 bedroomed properties having either 3 or 4 car parking spaces (including detached garages). The car parking provision is therefore considered to be acceptable.

For the avoidance of doubt the integral garage spaces measure 3 metres in width and a minimum of 6 metres in length internally.

In summary, subject to the imposition of conditions it is considered that the scheme is acceptable in relation to Saved Policies T3 and T8 of the Adopted Local Plan and Policy IF7 of the Publication Version North West Leicestershire Local Plan.

Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). 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 Paragraph 204 of the NPPF.

The issue of the River Mease and Packington Sewerage Treatment Works was the subject of extensive scrutiny within the previous application ref: 09/00082/FULM which was considered at Planning Committee in February 2015 where it was considered and accepted that the proposed flows to the proposed use was no more, in comparison to the flows of the existing uses, and therefore a River Mease Developer Contribution was not required.

As the previous scheme was for 44 no. dwellings and this scheme proposes 19 no. dwellings it is not considered that the proposal would lead to a different conclusion being reached. On this basis, it is not considered that the applicant is required to enter into the DCS for this application.

The flows from the new dwellings will need to be taken into account against the existing headroom capacity (recently revised) at Packington Treatment Works, which serves the site. At the time of writing sufficient capacity exists for this scheme.

Natural England has considered the scheme and raises no objections in relation to impact on the SAC/SSSI subject to conditions.

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

Drainage and Flood risk

The Lead Local Flood Authority have confirmed that the proposed development will be acceptable, providing that conditions are imposed. The scheme has also been considered by Severn Trent who raise no objections subject to a condition requiring drainage plans for the disposal of surface water and foul sewage. Appropriately worded conditions are recommended to ensure that these details are secured.

Public Footpath

Public Footpath 076a runs along the northern and part eastern boundaries of the site. The scheme has been considered by the Leicestershire County Council's Footpath Officer who have confirmed that they raise no objection to the application as it should not affect the public's use and enjoyment of the Right of Way, however suggest a number of 'Notes to Applicant' in relation to any potential encroachment , surfacing and enclosure.

Land Contamination

The Council's Environmental Protection Team have raised no objections to the development with regards to ground contamination or land instability, subject to conditions.

Ecology

The scheme has been considered by the County Ecologist, who raises no objection subject to conditions requiring site clearance to be done outside of the bird nesting season and requiring an updated bat survey, should demolition not take place before February 2017.

Developer Contributions

Affordable Housing

The Council's Strategic Housing Team has advised that there is a need for affordable housing and that the full 30% should be secured through the proposed development, in accordance with the Council's Affordable Housing SPD.

The Council's Strategic Housing Team have requested the split to be 79% rented and 21% intermediate housing, with the unit types which would equate to 4 no. affordable rented and 2 no. intermediate types, with the preference being for 4 x 2 beds and 2 x 3 beds.

Civic Amenity

Leicestershire County Council (Civic Amenity) has not requested a contribution.

Education

Leicestershire County Council (Education) request a contribution of £33,964.72 for the high school sector, for Ivanhoe College and a contribution of £34,874.80 for the upper school sector, for Ashby School. For the avoidance of doubt no contribution has been requested for the Primary School Sector.

Libraries

Leicestershire County Council (Libraries) confirms that no request has been made.

National Forest

The National Forest Company requires 20% of the site area to be for woodland planting and landscaping, which equates to 0.1 hectares, but accepts that there is limited opportunity for this to be accommodated within the site, and therefore requests a financial contribution of £2,000.00 towards off site planting.

Play Area/Open Space

Under the Council's Play Area SPG, on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that 19 dwellings are proposed, this would require a play area of not less than 380 square metres.

Whilst it is acknowledged that the distance from the site, via Burton Road to Hood Park is over the 400 metres distance, given that in Building for Life indicates that a point should be awarded for community facilities (such as play areas) being within a short distance (defined as 800 metres) the proposal would satisfy this criterion. Furthermore, given that the existing children's play area at Hood Park would not be excessively over the 400 metres suggested by Local Plan Policy L21 and taking into account the alternative distance recommended under Building for Life (which the Council has adopted as a design quality indicator), it is considered that a commuted sum towards upgrading and improving the existing play area at Hood Park would be acceptable in this instance.

The contribution requested is £23,465.00

River Mease DCS

As set out earlier in the report, in this case a DCS contribution is not required.

Highways

The CHA recommends that a requirement for the details of the routing of construction traffic should be included within the S106, but for the avoidance of doubt does not request any financial contributions.

Viability

A viability assessment has been submitted with the application which indicates that the scheme would not be viable with the full 100% inclusion of affordable housing and all other developer contributions, as set out in the report above.

The District Valuer has assessed the submitted viability reports and is in agreement that the scheme would not be viable, if required to provide 100% affordable housing and all the other developer contributions. However, the District Valuer has confirmed that the scheme would be viable if the applicant made an off-site commuted sum for affordable housing of £93,700 (in lieu of on-site provision) and all other developer contributions.

The applicant has advised that they are willing to make all of the requested contributions

totalling £94,304.53 with an additional £93,700.00 affordable housing contribution.

Given that the applicants have been able to demonstrate to the District Valuer's satisfaction that no affordable housing provision (on-site) could be provided from a viability point of view, and they are making the full requested contributions to other service areas including education, play space and National Forest planting (in addition to an affordable housing commuted sum), it is considered that the omission of full affordable housing provision, would not be unacceptable in this case, and when balanced against all other viability considerations and other aspects of sustainable development.

The required Section 106 Agreement should require periodic reviews of the economic viability of the scheme to be undertaken during the course of the development with a view to increasing the required developer contributions in the event of the profitability of the scheme improving.

Summary

On consideration of these requests received in respect of this application it is considered that the following meet the tests and should members be minded to approved this application a Section 106 Agreement would secure the following, which the applicant is agreeable to:-

- Affordable Housing (£93,700)	
- Education (£68,839.53)	
- National Forest (£2,000.00)	
- Play and Open Space (£23,465.00)	
Total	£184,304

Other Matters

Letters of Representation

In respect of other objections received which have not already been addressed within the report above:-

The site does not benefit from any protection for employment use and therefore it is not considered that the Council would have any basis to refuse the application on the loss of land/building for employment purposes.

Conclusion

The principle of residential development on the site has already been established by the granting of full planning permission ref: 09/00082/FULM for the conversion of the mill building and erection of new buildings to provide a total of 44 no. dwellings on site.

Whilst there is no objection in principle, to residential development on the site, this must be carefully balanced against the loss of the mill and against all other planning matters being adequately addressed.

For the reasons discussed above, whilst it is acknowledged that that the building is of some local importance/significance, on balance on the basis that Historic England did not consider the Mill worthy of listing, the fact that it could be proposed to be demolished through the prior approval procedure and given the benefits in terms of the very high quality designed scheme,

and building on brownfield land in a sustainable location and appropriate historic building recording would be secured by way of a condition, it is not considered that a reason for refusal based upon on the demolition and loss of the building would sustain a reason for refusal in this case.

The proposed development, subject to the imposition of conditions, would be acceptable in terms of density, layout, design, impact upon PROW, residential amenities, highway safety, land contamination, flood risk and drainage, ecological impacts and impact on the River Mease SAC/SSSI and no other technical issues are considered to arise.

A viability appraisal has been submitted by the applicants to demonstrate that it would not be viable to provide on-site affordable housing with all other financial contributions. This has been independently assessed by the District Valuer who confirm with the findings, which for the reasons discussed above, is considered acceptable, in this case.

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 conditions:-

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

- Coloured MasterPlan Drawing No. CM01 Rev H;
- House Type A Elevations Drawing No. HT-A-EL Rev. B;
- House Type A Plans Drawing No. HT-A-PL Rev.B;
- House Type B Elevations Drawing No. HT-B-EL Rev.A;
- House Type B Plans Drawing No. HT-B-PL Rev A;
- House Type C Elevations Drawing No. HT-C-EL Rev.A;
- House Type C Plans Drawing No. HT-C-PL Rev A;
- House Type D Elevations Drawing No. HT-D-EL Rev.A;
- House Type D Plans Drawing No. HT-D-PL Rev A;
- Single Garage Drawing No. GT-01;
- Twin Garage Drawing No. GT-02; and
- Bin and Cycle Store Drawing No. DT-BBS-PL

received by the Local Planning Authority on 12 May 2016.

Reason - To determine the scope of this permission.

- 3 No demolition/development shall commence until a programme of historic building survey defined within a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an

assessment of significance and research questions; and:

- The programme and methodology of historic building survey and recording
- The programme for post investigation assessment and analysis
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No demolition/development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason - To ensure a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss.

- 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 buildings in relation to an existing datum point have been submitted to and agreed in writing by the Local Planning Authority.

Floor levels should be set as a minimum of 300 mm above ground level. Plots 14-17 the minimum floor level should be set 300 mm above the model 1 in 100 year+ for climate change level (127.587m AOD).

External garden levels for plots 14-17 should remain below 127.45m AOD and shall not exceed the levels of the plots on the opposite bank of the brook.

The development shall be implemented in accordance with the agreed details.

Reason - To ensure a satisfactory relationship with the adjacent dwellings and to prevent property flooding.

- 5 No development (except any demolition permitted by this permission) shall commence on site until a Further Risk Based Land Contamination Assessment, as recommended by HSP Consulting Phase 1 Geo-Environmental Desk Study Report Holywell Mill Ashby-De-la-Zouch reference C2135 dated 11/02/2015, has been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:

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

Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, a Remedial Scheme and a Verification Plan must be prepared and

submitted to and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of:

- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004; and
- BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings

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

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

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

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

- 6 Notwithstanding the submitted details no development shall commence on site until such time as details of the means of disposal of foul drainage from the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details which shall thereafter be so retained.

Reason - To ensure that the development provides a satisfactory means of drainage to reduce the risk of creating, or exacerbating any existing, flooding problem and to minimise the risk of pollution.

- 7 No development shall commence until a surface water drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any permeable paved attenuation surfaced water drainage systems. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied with the scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason - To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.

- 8 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out

in accordance with the approved details and timetable.

Reason - To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 9 Notwithstanding the submitted 'Materials Plan' Drawing No. MP 01 Rev A received by the Local Planning Authority on the 12 May 2016, nor Condition 2 above, no building shall be erected on site above damp proof course level until details/samples and brick bond (as appropriate) of the external surfaces of the dwellings, garages, brick walls and bicycle and bin stores have been submitted to and agreed in writing with the Local Planning Authority. The works shall be undertaken in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain control over the external appearance in the absence of details.

- 10 Notwithstanding the submitted plan 'Landscape Plan' Drawing No. LP 01 Rev C received by the Local Planning Authority on 12 May 2016, nor Condition 2 above, no building shall be erected on site above damp proof course level until details a soft landscaping scheme has first been submitted to and approved in writing by the Local Planning Authority. These details shall include schedules of plant species, plant sizes, planting plans and proposed numbers/densities where appropriate and an implementation programme for planting. The works shall be undertaken in accordance with the approved scheme and timetable. 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- In the interests of visual amenities and to provide a reasonable period for the replacement of any shrubs or trees.

- 11 Notwithstanding the submitted plans 'Boundary Treatment Plan' Drawing No. BTP Rev. A; '1.8M Close board Timber Fence' Drawing No. DT-BT-02 and '1.8m Brick Wall/Timber Fence' Drawing No. DT-BT-01 received by the Local Planning Authority on 12 May 2016 nor Condition 2 above, no development shall commence on the site until such time as a detailed scheme for the boundary treatments and demarcation of public and private spaces has been submitted to and agreed in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason - To preserve the amenities of the locality.

- 12 Prior to the first occupation of the dwellings hereby approved either
- 1) If no remediation was required by Condition 5 a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development is received and approved in writing by the Planning Authority, or
 - 2) A Verification Investigation shall be undertaken in line with the agreed Verification Plan

for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to either the whole development or that part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

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

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

- 13 Any windows serving bathrooms, en-suites or wc's shall be glazed with obscure glass to Pilkington Standard 3 (or equivalent) and be non-opening or top-opening only which shall thereafter be retained unless planning permission has first been granted by the Local Planning Authority.

Reason - To ensure that the development is not detrimental to the privacy and amenities of the neighbouring property.

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

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

- 15 Should the demolition not commence for three years since the last survey (February 2014) an updated bat survey will be required to be submitted to and approved by the Local Planning Authority.

Reason - In the interests of protected species on the site.

- 16 Before first occupation of the dwellings hereby approved, the respective car parking provision and turning shall be made within the curtilage in accordance with the Coloured MasterPlan Drawing No. CM01 Rev H received by the Local Planning Authority on 12 May 2016. The parking and turning areas shall be made available and marked out prior to the development being brought into use, and shall thereafter be so maintained at all times.

Reason - To ensure that adequate off-street parking facilities are available.

- 17 Before first occupation of the dwellings hereby approved, the access drive, parking spaces and any turning space shall be surfaced with tarmacadam, concrete or similar

hard bound material (not loose aggregate) for a distance of at least 5 metres behind the Highway boundary, unless alternative materials approved under condition 7 are specified and shall be so maintained this way thereafter.

Reason - To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)

- 18 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as not to open outwards.

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

Notes to applicant

- 1 The applicant's attention is drawn to the attached notes from Leicestershire County Footpaths dated 23/09/15.
- 2 With regards to Condition 7 the scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve water quality, the limitation of surface water run-off to equivalent Greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus and appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. Full details for the drainage proposal should be supplied, including but not limited to headwall details, pipe protection details, long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.
- 3 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 4 The applicant is advised that stretcher bond for external facing brickwork will not be acceptable.
- 5 The applicant is advised to refer to the Building for Life assessment undertaken by the Council's urban designer that provides guidance and comments on detailed design issues safeguarded by Conditions 9 - 11. A copy of this assessment can be provided on request.