

Erection of 27 dwellings (Outline application - all matters reserved except for part access)

Report Item No
A1

Land At Worthington Lane Breedon On The Hill Derby

Application Reference
16/00360/OUTM

Applicant:
Mr John Blunt

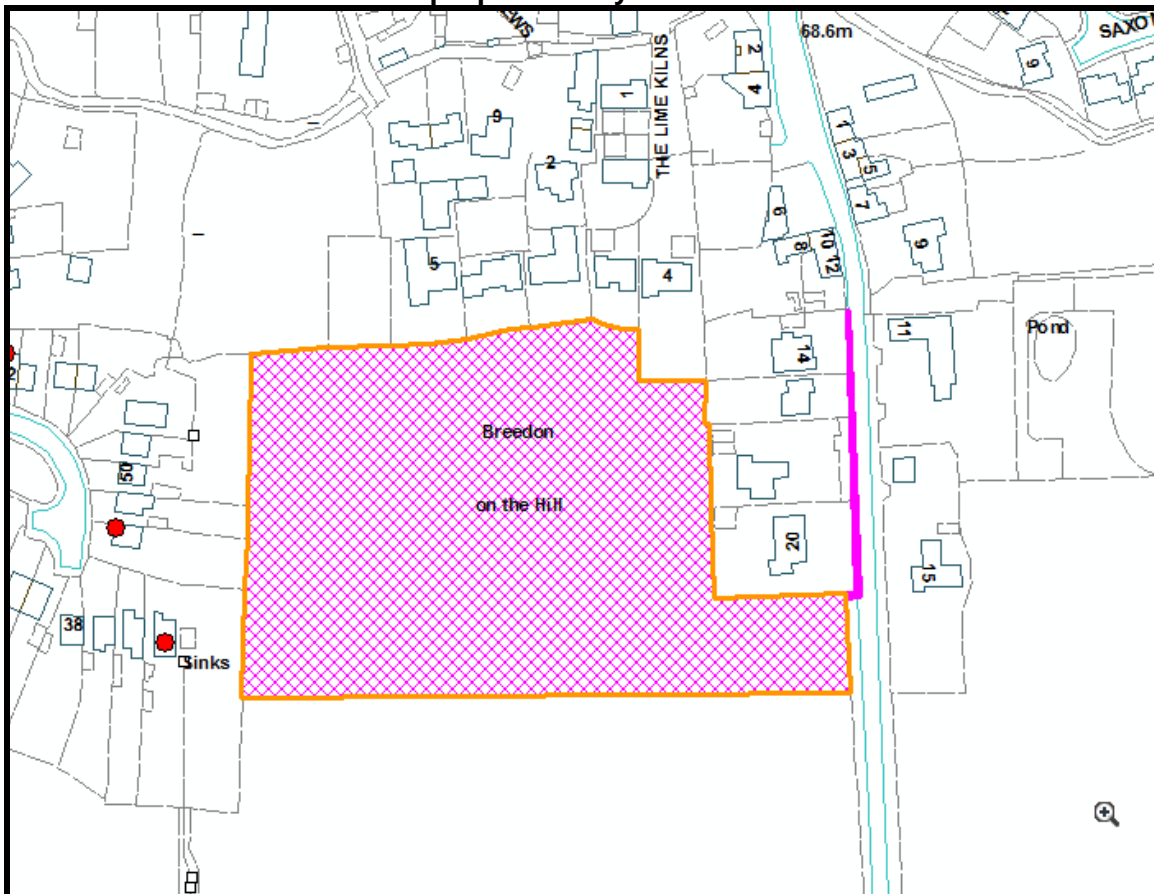
Date Registered
1 April 2016

Case Officer:
Adam Mellor

Target Decision Date
1 July 2016

Recommendation:
PERMIT, subject to a Section 106 Agreement.

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is brought to the Planning Committee as the applicant and planning agent are related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to permit the application have been received.

Proposal

Outline planning permission with part access for approval is sought for the erection of 27 dwellings on a 1.24 hectare site (developable area of 1.08 hectares) located on the western side of Worthington Lane to the immediate south of the settlement. The application site is situated outside the defined Limits to Development and is currently utilised for agriculture.

Consultations

A total of 111 representations, as well as signed pro-forma with 106 signatories, has been received objecting to the application with 4 representations being received supporting the development. Breedon on the Hill Parish Council also object to the development. All other statutory consultees have raised no objections subject to conditions.

Planning Policy

The application site lies outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan and in the publication version North West Leicestershire Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted and publication version Local Plans and other relevant guidance.

Conclusion

The site is located outside the Limits to Development where the principle of residential development is not normally considered acceptable. However, in this instance, when having regard to the social, economic and environmental impacts of the proposal the proposed development is considered to represent sustainable development. On this basis the principle of the development is considered to be acceptable. It is also considered that the site could be developed, at a subsequent reserved matters stage, in a manner which would not appear of out of keeping with the character and appearance of the surrounding locality, and which would not adversely impact upon the amenities of neighbouring residents, highway safety, heritage assets, ecology, and archaeology or further exacerbate any localised flooding issues which may exist. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions and the completion of a Section 106 agreement, is considered acceptable for the purposes of the policies referred to in the paragraphs below.

RECOMMENDATION - PERMIT subject to conditions and a Section 106 Agreement.

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

MAIN REPORT

1. Proposals and Background

Outline planning permission (with means of part access included for determination) is sought for the erection of 27 dwellings at land off Worthington Lane, Breedon on the Hill. The 1.24 hectare site (developable area of 1.08 hectares) is situated to the west of dwellings on Worthington Lane, north of dwellings on Main Street, these being The Lime Kilns and Peartree Mews, and east of dwellings on Hastings Close with open agricultural land to the south that is presently used for agricultural purposes. The application site is situated outside the defined Limits to Development with the northern boundary adjoining the Breedon on the Hill Conservation Area.

An indicative layout plan, which has been amended from that originally submitted, shows that the proposed vehicular access point would be off Worthington Lane to the immediate south of no. 20 Worthington Lane. Dwellings are shown to be predominately clustered around the southern and western boundaries, with an attenuation pond and grazing land being provided around the northern and eastern boundaries.

A design and access statement, heritage statement, Building for Life 12 assessment, arboricultural survey, flood risk assessment, ecology report, travel plan and highways statement and draft heads of term have been submitted in support of the application. During the course of the application revised flood risk assessments have been submitted.

No recent planning history was found.

2. Publicity

20 no neighbours have been notified (date of last notification 26 May 2016)

Press Notice published 20 April 2016

Site notice posted 20 April 2016

3. Consultations

Breedon On The Hill PC consulted 8 April 2016
 Historic England- Grade I/II* Listed Park/garden consulted 8 April 2016
 LCC Flood Management consulted 31 August 2016
 County Highway Authority consulted 6 May 2016
 Severn Trent Water Limited consulted 8 April 2016
 Head of Environmental Protection consulted 8 April 2016
 Natural England- Within 2k Of SSSI consulted 8 April 2016
 NWLDC Tree Officer consulted 8 April 2016
 County Archaeologist consulted 8 April 2016
 LCC ecology consulted 8 April 2016
 NWLDC Conservation Officer consulted 8 April 2016
 LCC Development Contributions consulted 8 April 2016
 NHS Leicester, Leicestershire And Rutland Facilities Management consulted 8 April 2016
 Head Of Leisure And Culture consulted 8 April 2016
 Police Architectural Liaison Officer consulted 8 April 2016
 Head of Environmental Protection consulted 21 April 2016
 LCC Flood Management consulted
 Manager Of Housing North West Leicestershire District Council

4. Summary of Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

Breedon on the Hill Parish Council object to the application, with their comments being endorsed by Councillor Rushton, on the following grounds: -

- Development would impact adversely on the setting of heritage assets and as such there should be a presumption of refusal.
- The pedestrian footway proposed cannot be provided and would be of an unsuitable width to be considered safe for usage by pedestrians.
- Breedon on the Hill has a lack of facilities to make the village sustainable and there would be pressures on the local schools and doctors.
- The public transport provision is not direct to settlements where residents visit and shop.
- Inadequate visibility splays would be provided at the vehicular access.
- The site is not allocated in the SHLAA.
- No landscape or visual assessment has been supplied.
- High grade agricultural land would be built upon.
- Flood risk and drainage would be an issue and the developer should be responsible for ensuring that an independent report is prepared for scrutiny by an independent body as well as the fact that extreme weather events should be addressed.
- Ecology and biodiversity would be adversely affected.
- No public consultation has been carried out.

Environment Agency no representation received.

Historic England has no objections.

Leicestershire County Council - Archaeology has no objections subject to conditions.

Leicestershire County Council - Ecology has no objections subject to conditions.

Leicestershire County Council - Developer Contributions requests a contribution of £97,823.36 towards the education sector.

Leicestershire County Council - Highways has no objections subject to conditions.

Leicestershire County Council - Lead Local Flood Authority has no objections subject to conditions.

Natural England has no objections subject to their standing advice being considered.

NHS Leicester, Leicestershire and Rutland no representation received.

NWLDC - Affordable Housing Enabler supports the development proposals.

NWLDC - Conservation Officer has no objections to the principle of development.

NWLDC - Environmental Protection has no objections.

NWLDC - Head of Leisure and Culture no representation received.

NWLDC - Tree Officer has no objections.

NWLDC - Urban Designer has no objections subject to conditions.

Police Architectural Liaison Officer no representation received.

Severn Trent Water has no objections subject to conditions.

Third Party Representations

111 representations have been received which object to the application, including one from Councillor Rushton, whose comments are summarised as follows: -

- The proposed use of soak-aways will not be sufficient and will result in severe flooding to properties to the lower land levels. This is particularly exacerbated by the geology of the site which reduces the potential drainage. The village has been subjected to severe flooding in recent months with water flowing off the application site.
- A connection to the mains sewer would not be possible.
- The development will result in the loss of a view for existing residents whilst gaining views for future occupants of the development.
- There is no need for a development of this nature given the recent housing developments which have occurred in Breedon.
- The proposed development will result in a loss of amenity to the neighbouring residential properties which border the site in respect of overbearing, overshadowing and overlooking impacts.
- There would be significant noise detriment associated with the construction of the development.
- There would be further pressures on the limited resources available in the village, in particular the school, as well as the doctors in Melbourne.
- The proposed development will result in adverse impacts to ecology.
- The position and scale of the development will result in adverse impacts on the historic environment in particular the views from and towards the Priory Church of St Mary and St Hardulph constructed on the site of the Bulwarks (an Iron Age hill fort). The heritage statement submitted is inadequate in addressing these impacts.
- The services available within the settlement are limited and as a consequence the development would not be socially sustainable.
- The speed of traffic on Worthington Lane and additional vehicular movements associated with the development would result in detriment to highway safety.
- The proposed design of the vehicular access is not safe and will not provide the level of visibility required.
- Proposed development will reduce the separation between settlements should greenfield land be continually built upon.
- Infrastructure such as high speed broadband is not in place to support a development of this nature.
- The applicant has not demonstrated that they own the land on which the proposed footway would be constructed and users of this facility will be at risk due to the speed of traffic on Worthington Lane as well as the relative width of the footway on the eastern side of the highway not allowing two people to pass each other.
- There are factual inaccuracies in the information supplied particularly around the services and public transport provision available within the village.
- HS2 will pass to the south of Breedon and as a consequence the future residents will be

- subjected to noise detriment.
- The application site is greenbelt land.
- The development will cause devaluation in property prices.
- Proposed development is on productive agricultural land.
- The density of the development is too high.
- The development is premature given the potential re-development of the garden centre site.
- Developer has another site which has not been completed and where no work has occurred for numerous years.
- Incorrect ownership certificates have been served and as such the application is invalid.

A signed pro-forma with 106 signatories has also been submitted outlining an objection to the application.

Four representations have been received which support the development and whose comments are summarised as follows: -

- The proposed provision of eight affordable housing units will be of benefit to the village and encourage permanent resident by people who reside in the settlement but cannot afford their own home.
- There is development on three sides of the site and as a consequence it has to be viewed as infill development.
- Provision of a footway will increase the sustainability of the site and increase the usage of the lane.

5. Relevant Planning Policy

National Policies

National Planning Policy Framework

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the NPPF. The closer the policies in the development plan to the policies in the NPPF, the greater weight they may be given.

Save where stated otherwise, the policies of the adopted 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 10 (Achieving sustainable development);
- Paragraph 14 (Presumption in favour of sustainable development);
- Paragraph 17 (Core planning principles);
- Paragraphs 18 - 20 (Building a strong, competitive economy);
- Paragraph 28 (Supporting a prosperous rural economy);
- Paragraph 32 (Promoting sustainable transport);
- Paragraph 34 (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 53 (Delivering a wide choice of high quality homes);

Paragraph 54 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 56 (Requiring good design);
Paragraph 57 (Requiring good design);
Paragraph 59 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 63 (Requiring good design);
Paragraph 64 (Requiring good design);
Paragraph 75 (Promoting healthy communities);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 109 (Conserving and enhancing the natural environment);
Paragraph 112 (Conserving and enhancing the natural environment);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 120 (Conserving and enhancing the natural environment);
Paragraph 121 (Conserving and enhancing the natural environment);
Paragraph 123 (Conserving and enhancing the natural environment);
Paragraph 131 (Conserving and enhancing the historic environment);
Paragraph 132 (Conserving and enhancing the historic environment);
Paragraph 134 (Conserving and enhancing the historic environment);
Paragraph 137 (Conserving and enhancing the historic environment);
Paragraph 141 (Conserving and enhancing the historic environment);
Paragraph 203 (Planning conditions and obligations);
Paragraph 204 (Planning conditions and obligations); and
Paragraph 206 (Planning conditions and obligations);

Adopted North West Leicestershire Local Plan (2002)

The application site is outside the Limits to Development as defined in the adopted Local Plan. The following adopted Local Plan policies are relevant to this application:

Policy S3 - Countryside;
Policy E2 - Landscaped Amenity Open Space;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy E8 - Crime Prevention;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy T10 - Public Transport;
Policy T13 - Cycle Parking;
Policy H4/1 - Housing Land Release;
Policy H6 - Housing Density;
Policy H7 - Housing Design;
Policy L21 - Children's Play Areas; and
Policy L22 - Formal Recreation Provision.

Submitted North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. The weight to be attached by the decision maker to this submitted version should be commensurate to the stage reached towards adoption: -

Policy S1 - Future Housing and Economic Development Needs;

Policy S2 - Settlement Hierarchy;
Policy S3 - Countryside;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy H4 - Affordable Housing;
Policy H6 - House Types and Mix;
Policy IF1 - Development and Infrastructure;
Policy IF3 - Open Space, Sport and Recreation Facilities;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance

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

North West Leicestershire District Council Affordable Housing SPD

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

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within Breedon on the Hill.

North West Leicestershire District Council Play Area Design Guidance SPG

The District Council's Play Area Design Guidance SPG sets out the requirements in respect of children's play provision 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.

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.

6. Assessment

Principle and Sustainability

In accordance with the provision 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 Local Plan (2002 (as amended)).

The application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan, or Policy S3 of the submitted Local Plan.

The NPPF requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The District Council is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the publication version Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given to whether the proposals constitute sustainable development (inclusive of its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

In respect of social sustainability it is noted that numerous third party representations which have been received have commented that the settlement of Breedon on the Hill is not socially sustainable. Although third parties are of this view the District Council considers Breedon on the Hill to be a sustainable settlement for new residential development given the range of services which are available (including a shop (incorporating a post office), butchers, primary school, community centre, public houses, church and recreation ground) as well as the public transport provision (Robert Coaches Air Link Service 155 two hourly between Coalville and East Midlands Airport Monday to Saturday). It is also recognised that Policy S2 of the submitted Local Plan, which can be attached some weight in the decision making process, highlights that Breedon on the Hill is a 'Sustainable Village' where a limited amount of growth will be permitted. The provision of a raised footway from the site entrance in order to connect with the existing pavement, as proposed by the development, would also ensure these services are accessible on foot particularly as they would be within an acceptable walking distance.

Having regard to the location of the site it is considered that residents of the development would have access to services which would meet their day to day needs (i.e. a shop), with other facilities and employment opportunities being accessible on foot as well as by utilising public transport. In these circumstances it is considered that a development of 27 dwellings would score well against the advice concerning social sustainability contained within the NPPF, with occupants of the property also assisting in sustaining these services for the future which is a key intention of Paragraphs 28 and 55 of the NPPF.

From a social perspective the development would also benefit from the provision of 27 dwellings which would include eight affordable properties with a mix of 2, 3 and 4 bedroom dwellings being supported by, and contributing to the housing needs of different groups in the community.

In terms of environmental sustainability the land is agricultural and as such would be considered greenfield land.

The site is outside the defined Limits to Development and therefore the 'principle' of the proposal would be in direct conflict with Policies S3 of the adopted and submitted Local Plans. It is also noted that whilst Policy S2 of the submitted Local Plan highlights that Breedon on the Hill is a sustainable village, it does specify that any 'growth' should be proposed on land within the Limits to Development. Such policies are considered to be supported by the principles of the

NPPF and the ministerial letter from Brandon Lewis of the 27th March 2015 urging Inspectors to protect the intrinsic beauty of the countryside.

However, as highlighted above, given that the NPPF does not necessarily preclude development on greenfield land a determination would need to be made as to whether the proposed dwellings would be 'isolated', in the context of Paragraph 55, or impact adversely on the rural environment as specified at Paragraph 17 of the NPPF. For the avoidance of the doubt the application site is not 'greenbelt' given that no such land designation exists within the District.

On the basis of the Proposals Map to the publication version Local Plan the application site would abut the defined Limits to Development on its northern, eastern and western boundaries. The extent of the application site would also project no further south than the Limits to Development for the properties on the southern side of Hastings Close or eastern side of Worthington Lane.

Given that the extent of the application site would project no greater to the south than the built forms on Hastings Close, it can be reasonably assumed that it would be possible to align the proposed dwellings in a manner which would ensure that they would appear integrated into the built environment established to the periphery of the settlement. As a consequence of this it would be difficult to suggest that the dwellings would be 'isolated' in the context of Paragraph 55 of the NPPF.

In terms of the implications to the rural environment the land levels are at their highest in the centre of the southern boundary of the application site where a 'bulge' occurs, although beyond this point the land continues to rise until the southern field boundary where the land begins to plateau. From this plateau there are limited glimpses of the roofs associated with dwellings in the settlement which fall within a natural valley. Substantial mature screening also exists to the roadside boundary of the site, as well as to the southern and western field boundaries, which assist in screening views into the field from the wider area. Given the topography of the field, as well as the visual screening which exists, it is considered that its association with the wider rural landscape is largely diminished particularly the lower element where the development is proposed. Views out of the settlement from the properties on the southern side of Main Street would also be onto this field, rather than the wider rural environment, with the boundary treatment to those properties to the eastern and western boundaries exposing the built forms which exist, and which the proposed development would be closely associated with. Whilst the scale of the proposed dwellings in addressing the topography of the site would be a challenge at any reserved matters application, it is considered feasible that a scheme could be progressed which would have limited implications to the 'openness' of the wider rural environment, by virtue of the visual association with built forms and its location within a natural valley screening the development from the south.

In conclusion, whilst the proposal would be contrary to Policies S3 of the adopted and submitted Local Plans, as well as Policy S2 of the submitted Local Plan, and would result in a degree of harm to the rural environment due to the loss of a greenfield site, such conflict would be outweighed by the site's social sustainability credentials, the economic benefits associated with the construction of the dwellings and the fact that the degree of harm to the 'openness' of the rural environment would be extremely limited due to the disassociation the application site has with the wider undeveloped rural environment, and the relationship with built forms to three sides of the site. On balance, therefore, the proposal represents a sustainable form of development which is acceptable in principle.

The application site falls within Grade 2 of the Agricultural Land Classification and therefore represents 'Very Good' Best and Most Versatile (BMV) land. Whilst the site falls within Grade 2 BMV it is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost (with medium and high impacts defined as those resulting in a loss of between 20 and 50ha, and those of 50ha above respectively). It is noted that the NPPF does not suggest that release of smaller BMV sites is acceptable. However, it nevertheless appears reasonable to have regard to the extent of the loss in the decision making process. A loss of 1.24 hectares of agricultural land is not considered to represent a significant loss and, therefore the scheme is considered to be acceptable in this regard and would not conflict with Paragraph 112 of the NPPF. It is also noted that the proposal would not disrupt the agricultural operations undertaken on the remaining land.

Density and Housing Mix

With a developable site area of 1.08 hectares the proposed development would have a density of 25 dwellings per hectare which would be slightly below the 30 dwellings per hectare advised by Policy H6 of the adopted Local Plan in settlements such as Breedon. Whilst this is the case, the NPPF states that authorities should set their own approach to housing density to reflect local circumstances. On this basis the density proposed is appropriate when having regard to the character of the area and the location of the site on the edge of the settlement, as well as being consistent with the density of newly constructed development in the vicinity. In concluding on this matter, the degree of conflict with Policy H6, in itself, would not be considered a suitable reason to refuse the application.

It is proposed that a mix of 2, 3 and 4 bedroom dwellings would be provided within properties which would either be single or two-storeys in height. This is considered to represent an appropriate housing mix on the site for a development of this scale. On this basis the development would be compliant with Paragraph 50 of the NPPF and Policy H6 of the submitted Local Plan.

Accessibility

All matters are reserved for subsequent approval except for part access. The point of access shown on the submitted plans would be to the immediate south of no. 20 Worthington Lane. Whilst the illustrative layout shows internal access roads and the provision of a footway to connect the site with the existing raised footway on Worthington Lane to the north, these would be dealt with at the reserved matters stage(s), although their impact on the overall potential accessibility and connectivity of the site still ought to be considered.

The County Highways Authority (CHA) has been consulted on the application and have raised no objections subject to the imposition of relevant planning conditions. The suggested planning conditions of the CHA include off-site highway works for traffic calming measures on Worthington Lane between the access and northern boundary of no. 14 Worthington Lane, provision of a raised footway, provision of satisfactory pedestrian and vehicular visibility splays and a suitable access gradient given that there are differences between land levels on the site and Worthington Lane itself. It will also be a requirement that a construction traffic management plan is agreed to ensure that this element of the development does not result in adverse impacts on the highway.

Although concerns have been expressed with regards to highway safety, Paragraph 32 of the NPPF indicates that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*" In the circumstances that

the CHA have raised no objections to the proposed access arrangements, it is considered that the development would not have a 'severely' detrimental impact on highway safety as to justify a refusal of the application. On this basis the development would be compliant with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

Representations have been received which highlighted that neither the applicant or Leicestershire County Council own the land on which the proposed public footway would be provided with the Land Registry details submitted suggesting that no. 16 Worthington Lane owns land which abuts the public highway. On this basis the applicant submitted a Certificate B with the application which did not reflect the land ownership position. Following consultation with the Council's Legal Section the anomalies with the certificate have been rectified with the applicant being asked to provide a revised Certificate B which was submitted to the District Council on the 1st September 2016. This revised Certificate B has been served on all landowners identified and as this revised certificate was served on relevant landowners on the 1st September 2016 the 21 day consultation period has now expired. Therefore it is considered that the correct formal consultation has been undertaken with the affected properties and there has been no prejudice to any residents of nearby properties.

In terms of the 'right' to construct the footway it is considered that the landowners have not explicitly stated that no agreement would be reached on such a matter at a later stage and therefore a view is taken that this should not act as a reason to resist the development. This view is taken given that a footway could still be provided to the frontage of nos. 14, 18 and 20 Worthington Lane with walking in the carriageway around the frontage of no. 16 not impeding future residents from accessing the services within the settlement.

The specific parking arrangements for each individual property would be assessed and addressed following the submission of any subsequent reserved matters application given that this would be dependent on the total amount of bedrooms within a particular dwelling. As a consequence of this the particular requirements of Paragraph 39 of the NPPF as well as Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan would be satisfied at that time.

Neighbours and Future Occupants' Amenities

An indicative layout plan has been supplied in support of the application which shows that the site borders with residential properties on its northern (Pear Tree Mews, The Lime Kilns and Church View), eastern (Worthington Lane) and western boundaries (Hastings Close).

The impact on neighbouring occupiers arising from the proposed dwellings would need to be assessed at the reserved matters stage(s) once the layout, appearance and scale of the dwellings was known. Notwithstanding the details shown on the indicative layout plan there would appear to be no reason in principle why up to 27 dwellings could not be provided on the site in a manner which would not adversely impact upon neighbours' amenities.

In establishing an acceptable relationship with existing residential properties at the reserved matters stage, it could also be ensured that the amenities of future occupants are adequately protected.

Concerns have been expressed that the development will result in an increase in noise, from a rise in vehicular movements and activity on the site. However, it is considered that whilst the provision of a residential scheme along Worthington Lane would increase the volume of traffic this increase would not be significantly detrimental to amenities to justify a reason for the refusal

of the application. Whilst the provision of a vehicular access and access road to the south of no. 20 Worthington Lane would result in an increase in noise alongside the southern (side) elevation of this dwelling, this is not considered to be of such detriment as to justify a refusal given that the Council's Environmental Protection team have raised no objections to this element of the scheme, as well as the fact that the relationship would not be too dissimilar to having a development on a corner site with a road running close to the dwelling and its associated garden, which was considered in a 2008 appeal to be an acceptable yardstick for an acceptable standard (appeal ref: APP/G2435/A/08/2065885/WF).

Although dirt and noise would be associated with the construction of the scheme, it is considered that this is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance as Environmental Protection has raised no issues to the development in this regard, it is considered that the imposition of an hours condition would be unreasonable.

The loss of a view and the impact of a development on the value of a property are not material planning considerations which could be taken into account in an assessment of the application.

Overall the development is considered compliant with Paragraph 123 of the NPPF, Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Impact on the Character and Appearance of the Area and Streetscape

The need for good design in new residential development is outlined not only in adopted Local Plan Policies E4 and H7, as well as Policy D1 of the submitted Local Plan, but also Paragraphs 57, 60 and 61 of the NPPF.

At present the application site is an open agricultural field with land levels which rise from north to south and which 'bulge' in the centre before falling away to the eastern and western boundaries. Residential dwellings of varying heights and types exist to the north, east and west with open agricultural land to the south.

It is noted that layout, scale, appearance and landscaping are included as matters to be considered at a later stage with only part access being approved at this stage. Properties on Worthington Lane are situated at varying distances to the highway but present their principal elevations to this carriageway with the development pattern being linear in nature. Whilst such a character exists on Worthington Lane, it is important to acknowledge the context of the wider environment in which the development would be set and it is observed that the settlement of Breedon on the Hill has expanded by the creation of residential estates off the principal highways including The Dovecote, The Lime Kilns, Pear Tree Mews, Church View, The Crescent and Hastings Close. On this basis the creation of a residential estate which projects westwards off Worthington Lane would not be of such detriment to the character of the area as to justify a refusal of the application given the integration of the development with such residential estates considered to be consistent with the character of the area.

The Council's Urban Designer has reviewed the indicative layout and considers that a scheme could be progressed on the site which could accord with the ethos of Building for Life 12 (BfL 12). At this stage, however, a scheme where only part access is for approval is not sufficiently advanced to be fully assessed against such criteria and, as a consequence, it would be necessary at the reserved matters stage for a BfL 12 assessment to be supplied to specify how the development would accord with the principles of this guidance. This could be secured by a

condition on any consent granted.

In respect of the appearance of the dwellings these would be agreed at the reserved matters stage and at this point an appropriate design could be achieved which would accord with the Council's current design agenda by providing a scheme which responds to the positive characteristics of dwellings within the area.

Both Historic England and the Council's Conservation Officer have been consulted on the application and have raised no objections with the views of the Council's Conservation Officer being that *"traditional development along the south side of Main Street has already been separated from the open countryside by a series of modern developments."* The only areas of concern which have been raised by the Council's Conservation Officer is whether the development on the site should be restricted in height, so as not to adversely impact on the setting of the conservation views and the long views of the Grade I Listed Church of St Mary and St Haldulph and hill fort from the south, and the density of the scheme.

Beyond the extent of the application site boundary to the south, the land levels rise to the southern field boundary before they plateau in the fields that then continue to the south. As a result of this the development would fall within a valley. As the scale of the dwellings is reserved for subsequent approval it is considered reasonable to impose a note to the applicant on any permission granted to advise them that the height of the dwellings would need to be carefully considered at the reserved matters stage, for the above reasons, although given the topography of the land it is reasonable to conclude that the long views of the listed church and hill fort could be protected.

At this stage, however, the principle of the development would result in less than substantial harm to the significance of the setting of heritage assets, given that built forms are already closely associated with the boundaries of the conservation area and visible in views from the listed church, with any harm also being outweighed by the public benefits of a development in a sustainable settlement which has limited harm on the rural environment and which provides a wide range of housing to meet all needs of the local community.

In respect of the density of the development it is considered that this is addressed in the *'Density and Housing Mix'* section of this report.

Public footpath M21 lies 152 metres to the south-east of the site and it is considered that the position of the dwellings would have no greater impact on views established from this footpath given the presence of dense vegetation to the roadside boundaries of the agricultural fields on Worthington Lane as well as the fact that any views would currently include the dwellings on Hastings Close.

Overall the development is one which would be considered compliant with Paragraphs 57, 60, 61, 131, 132, 134 and 137 of the NPPF, Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act as well as Policy E4 of the adopted Local Plan and Policies D1 and He1 of the submitted Local Plan.

Ecology

The County Council Ecologist and Natural England have commented on the application and have raised no objections with there being no requirement for further surveys to be supplied. It is specified that conditions should be imposed to ensure that vegetation is removed outside the bird nesting season, that locally native species of hedgerow are planted and that an updated

protected species report would be required should development not commence in advance of March 2019. Conditions associated with vegetation removal and an updated protected species survey will be imposed on any outline planning permission, should permission be granted, with the proposed landscaping to be supplied being agreed under any subsequent reserved matters application should the principle of development be established.

Overall the development would be compliant with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the submitted Local Plan.

Landscaping

The Council's Tree Officer has been consulted on the application and has raised no objections subject to reconsideration being given to any landscape buffer supplied to the southern boundary of the site given that a buffer screen of dense tree planting, as suggested by the indicative layout, would heavily shade properties presented to this aspect. As such a hedgerow with feathered trees would be a more appropriate and would impose less on future residents. Given that landscaping is reserved for subsequent approval it could be ensured at that stage that appropriate planting is supplied.

Whilst concerns has been expressed by third parties about the potential loss of an Ash tree to the western boundary in order to provide the vehicular access, the Council's Tree Officer has carried out a Tree Evaluation Method for Preservation Orders (TEMPO) assessment of this tree which does not merit protection via a Tree Preservation Order (TPO) nor should it be considered a constraint to development. As such its removal would be accepted. All other vegetation on the site is largely confined to the boundaries and as a consequence would not be duly impacted on by the proposed development.

Overall the proposal is considered compliant with Policy E7 of the adopted Local Plan.

Archaeology

The County Council Archaeologist has indicated that an appraisal of the Leicestershire and Rutland Historic Environment Record (HER) notes that the site is located within an area of archaeological interest at the edge of the medieval and post-medieval settlement core of Breedon village as well as to the south of the Iron Age Hill Fort, which has evidence for earlier activity ranging from the Mesolithic through to the late Bronze Age periods. There is also good evidence for other prehistoric activity in the vicinity of the site including cropmark enclosures to the south-west and Neolithic deposits identified through trial trenching to the north-east. Items recorded at such sites included a Neolithic hand-axe and Roman copper alloy Polden Hill-type brooch. In the circumstances that the application site is relatively undisturbed there is a reasonable likelihood that archaeological remains are present.

Given the opportunities which exist for archaeological remains to be present on the site, the County Council Archaeologist considers it necessary for conditions to be imposed on any consent for a programme of archaeological work (including intrusive and non-intrusive investigations where necessary) in advance of the development commencing, in order to record and advance the understanding of the significance of any heritage assets. Such conditions are considered reasonable given the high possibility of archaeological remains being present on the site and their inclusion therefore ensures the development complies with Paragraph 141 of the NPPF and Policy He1 of the submitted Local Plan.

Drainage and Flood Risk

The Lead Local Flood Authority (LLFA) initially objected to the application given that the information submitted did not assess greenfield run-off rates and did not provide a sufficient assessment and utilisation of sustainable drainage systems. Given the absence of such information it was not demonstrated that the development could accommodate matching greenfield run-off rates.

Following the receipt of additional information in respect of this matter, the LLFA have confirmed that they have no objections to the proposal subject to the imposition of a condition on the planning consent to ensure that any surface water drainage scheme provided limits surface water run-off to the equivalent greenfield rate plus 40% for climate change as well as the provision of a surface water storage system which will allow sufficient storage on the site up to the 1 in 100 year storm. In the circumstances that a condition is imposed on any consent granted to secure such a scheme, the proposal would be considered compliant with Paragraph 103 of the NPPF, as well as Policies Cc2 and Cc3 of the submitted Local Plan, and would not exacerbate localised surface water flooding issues.

The above comments have been supplied by the LLFA following their consideration of a flood report (Breedon on the Hill Flood Report) produced by the County Council after their investigations into the summer flooding events within Breedon on the Hill. On the basis that the findings of this report have been factored into the assessment undertaken by the LLFA they are satisfied that the proposed dwellings would not exacerbate flooding within the settlement.

Insofar as foul drainage is concerned, it is indicated on the application forms that this would be discharged to the mains sewer with such discharge being agreed with Severn Trent Water under separate legislation. In the circumstances that Severn Trent Water have raised no objections, subject to the foul drainage discharge details being secured by condition, it is considered that the additional demands for foul drainage could be met by the existing sewerage system in place and therefore the proposed development would accord with Paragraph 120 of the NPPF.

Viability of the Development

A request has been made for Section 106 contributions towards education and affordable housing. This has been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations) as well as Paragraphs 203 and 204 of the NPPF.

The requested developer contributions are listed below.

Affordable Housing

The Council's Affordable Housing Supplementary Planning Document (SPD) states that in Breedon on the Hill schemes for 5 or more dwellings should provide 30% of the proposed units as affordable housing (i.e. eight units) with the Council's preferred position for this to be provided on site. Whilst national planning policy on affordable housing has recently changed following the decision in West Berkshire District Council & Reading Borough Council v Department for Communities and Local Government [2015], this is not applicable to this development proposal given that the scheme proposes more than 10 dwellings.

The Council's Affordable Housing Enabler has advised that there has been a lack of affordable

homes provided on developments in rural areas due to the ability of registered providers to purchase such houses being severely diminished. As a consequence of this alternative delivery mechanisms should be explored and any sites which are brought forward should meet the housing needs of those with a local connection to the village, as well as the needs identified from the wider district. It is proposed that the following properties would be supplied: -

- 3 x 2 bedroom bungalows;
- 3 x 2 bedroom houses;
- 2 x 3 bedroom houses;

The applicant also suggests that within the Section 106 agreement, as well as covenants on the sale of the land, that the following is established: -

- 8 rented homes at no more than 80% over market value, provided as Intermediate Rented homes
- Rented at this level in perpetuity
- Local Needs criteria applied (as used on rural exception sites)
- The allocation of these properties would be determined by the applicant, initially offered to agricultural/estate workers on the Staunton Harold Estate

Whilst such an approach does not follow the Council's preferred policy stance, the Affordable Housing Enabler advises that they are supportive of this approach given that it does accord with guidance within the NPPF and would secure affordable housing on the site and in perpetuity at a time when there is no registered provider capacity to purchase such properties.

In the circumstances that the above mechanisms could be secured in the Section 106 agreement and the applicant is willing to meet these affordable housing requests, the development would be compliant with Policy H8 of the adopted Local Plan and Policy H5 of the submitted Local Plan.

Education

Leicestershire County Council (Education) request a secondary school contribution of £80,621.53 for Castle Donington College and post-16 sector request of £17,201.83 for Ashby School. No request is made for the primary or special school sectors. The reasoning for the request outlines that no more than five obligations (including this proposed) have been sought for the scheme project and as such no issues arise in respect of pooling (insofar as the limitations on pooled contributions as set out within the CIL Regulations are concerned).

A total contribution of £97,823.36 is therefore sought for education and the applicant has confirmed their intentions to meet this financial request.

Although third party representations have commented that Breedon Church of England Primary School has capacity issues, the response from the County Council Education Authority highlights that the school would have four surplus places when factoring into account pupils from the development.

Other Requests

The County Council Highways Authority have requested that the Section 106 agreement should secure Travel Packs (£52.85 per pack), provision of new or enhancements to the two nearest bus stops (£3263.00 per stop), provision of information display cases at the two nearest bus

stops (£120.00 per display) and provision of Real Time Information (RTI) displays at the two nearest bus stops (£5000.00 per stop). The applicant has agreed to meet these requests.

No consultation has been received from the NHS or Police in respect of any relevant contributions applicable to these service areas. Should any comments be received they will be reported to Members on the Update Sheet. Whilst the doctors surgery within Melbourne may come under pressure due to an increase in residents this is at a time when population numbers are increasing throughout the District, with the same being true in many areas, and ultimately the task of adapting to meet future needs is one for the providers of this service. In the present case, this would not be a proper reason to refuse planning permission.

Overall, the development could be progressed in accordance with Paragraphs 203 and 204 of the NPPF.

Play Area/Open Space

No representation has been received from the Council's Leisure Section in respect of whether any on-site play provision should be made or whether an off-site contribution would be sufficient in this instance. The indicative layout plan submitted highlights that both a play area and public open space would be provided on the site with the precise details of any play equipment installed being secured under the Section 106 agreement.

It is considered that the provision of such facilities on the site will ensure compliance with Paragraph 73 of the NPPF as well as Policy L21 of the adopted Local Plan and Policy IF3 of the submitted Local Plan.

Other Matters

It is a fundamental tenet of the planning system that applications be assessed on their own merits. The fact that the applicant has permission for another development within the settlement which has not been completed or that residential development may come forward on the Breedon Priory Nursery site, which may be more favourable to residents, is not a reason to refuse this particular application.

In respect of the concerns raised regarding inaccuracies in the application submission and lack of detail within the supporting documentation, 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 accordance with relevant planning policies.

The lack of broadband speed within the existing village is a matter which would be addressed by the relevant telecommunication companies responsible for the provision of such a service with the Government being committed to increasing broadband speeds within rural areas. Such companies would also be responsible for the provision of broadband to the new properties, should they request such a connection, and at this time they would have to ensure that their advertised estimated speeds are adhered to or carry out improvements to the network. Therefore, the provision of new dwellings would not impact on broadband speeds experienced within the settlement with this matter, in any event, not being a material planning consideration.

Whilst no public consultation has been undertaken as part of the development proposal prior to its submission, it is not a necessary requirement that such consultation is carried out and, in any event, a public consultation exercise has been carried out during the determination period.

The national and local validation requirement for applications do not require applications to be accompanied by a landscape and visual impact assessment in order to be validated. If the Local Authority was of the view such a report was necessary to assess the application this could have been requested during the determination process.

Whilst the site has not been subject to a Strategic Housing Land Availability Assessment (SHLAA) this is not a reason to resist the development proposal which has been accordingly assessed against all relevant national and local planning policies.

Summary Reasons for Granting Outline Planning Permission

The site is located outside the Limits to Development where the principle of residential development is not normally considered acceptable. However, in this instance, when having regard to the social, economic and environmental impacts of the proposal it is considered to represent sustainable development. On this basis the principle of the development is considered to be acceptable. It is also considered that the site could be developed, at the reserved matters stage, in a manner which would not appear out of keeping with the character and appearance of the surrounding locality, and which would not adversely impact on the amenities of neighbouring residents, highway safety, heritage assets, ecology, and archaeology or further exacerbate any localised flooding issues. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions and the completion of a Section 106 agreement, is considered acceptable for the purposes of the above-mentioned policies.

RECOMMENDATION - PERMIT, subject to the following conditions and completion of a Section 106 agreement.

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

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

- 2 Save for the details of vehicular access into the site from Worthington Lane, details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins in respect of the relevant phase.

Reason - this permission is in outline only.

- 3 The proposed development shall be implemented in accordance with the site location plan (ref: 1506058), received by the Local Authority on the 1st April 2016, and the access arrangements shown on drawing number 7268 (Illustrative Masterplan), received by the Local Authority on the 24th May 2016, unless otherwise required by another condition of this permission.

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

4 A total of no more than 27 dwellings shall be erected.

Reason - to determine the scope of the permission.

5 The first reserved matters application shall include the further submission of a Building for Life 12 Assessment in order to ensure the development is designed and built to a good standard.

Reason - to enhance the sustainability credentials of the scheme and to ensure the design approach reflects the aspirations of the Local Authority.

6 The reserved matters application shall include details of existing and finished ground levels and the proposed floor levels of the dwellings in relation to an existing datum point off the site. The development shall then be carried out in accordance with the approved details.

Reason - to ensure that the development takes a form envisaged by the Local Planning Authority and in the interests of residential amenities given that no precise details have been provided.

7 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on the site until such time as a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railings and other means of enclosure) has been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation of any dwelling, hereby approved, unless an alternative timescale is first agreed in writing by the Local Planning Authority.

Notwithstanding the provisions of Class A, of Part 2, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gate, wall or fence shall be erected on land forward of any wall of the dwelling(s) which front onto a highway (which shall include any private highway) other than any that are agreed under this Condition or other then in accordance with a comprehensive and unified scheme of enclosure which has first been submitted to and agreed in writing by the Local Planning Authority.

Reason - to preserve the amenities of the locality, in the interests of highway safety and because insufficient information has been submitted as part of the outline application.

8 The gradient of the access drive shall not exceed 1:12 for the first 5.0 metres behind the highway boundary.

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

9 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected at the access they shall be set back a minimum distance of 7 metres behind the highway boundary and shall be hung so as to open inwards only.

Reason - to enable vehicles 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.

- 10 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 in consultation with the County Highways 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 onto 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.

- 11 No development shall commence on site until details of the design for off-site highway works being traffic calming measures to deliver speeds of 30 mph or lower at the site frontage and a footway on Worthington Lane between the proposed access and the northern boundary of no. 14 Worthington Lane have first been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highways Authority. Once agreed the scheme shall be provided in accordance with the approved details prior to the first occupation of the 10th dwelling.

Reason - the proposal will lead to an increase in pedestrian and cycle movements on Worthington Lane and the improvements are therefore required in the interests of the safety of these most vulnerable road users.

- 12 Notwithstanding the details shown on the approved plans, nor condition 3 above, no development shall commence on site until details of satisfactory access arrangements have first been submitted to and approved in writing by the Local Planning Authority in consultation with the County Highways Authority. Once agreed the access shall be provided in accordance with the approved details prior to the first occupation of any dwelling.

Reason - to enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

- 13 Before first use of the development, hereby permitted, the following shall be provided: -
- Drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained;
 - The access shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 7 metres behind the highway boundary;

Once provided the above shall thereafter be so maintained.

Reason - to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users; to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.).

- 14 No development shall commence until a detailed surface water drainage scheme has

been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA).

The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient SuDS treatment to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the LLFA.

Full details for the drainage proposal should be supplied including (but not limited to); headwall details, pipe protection details (e.g. trash screens), flow control details, cross sections, long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change with the outfall modelled as both free flowing and surcharged. 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.

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

- 15 No development shall commence until details in relation to the management of surface water on the site during construction of the development has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA).

The submitted details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Once agreed the development shall then be carried out in accordance with the approved details.

Reason - to prevent an increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final surface water management systems through the entire development construction phase.

- 16 No development shall commence until details in relation to the long term maintenance of the sustainable surface water drainage system on the development have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA).

Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should include

procedures that must be implemented in the event of pollution incidents within the development site.

Once agreed the development shall then be carried out in accordance with the approved details and thereafter so maintained.

Reason - to establish a suitable maintenance regime, that may be monitored over time, which will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development.

- 17 No development shall commence until drainage plans for the disposal of foul drainage have first been submitted to and approved in writing by the Local Planning Authority in consultation with Severn Trent Water. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the new dwellings.

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

- 18 No development shall commence on site until all the existing trees to be retained have been securely fenced off by the erection, to coincide with the canopy of the tree where possible, of a 1.4 metre high protective barrier in accordance with BS 5837:2012. In addition all hedgerows that are to be retained shall be protected by a 1.2 metre high protective barrier which shall be erected at least 1.0 metre from the hedgerow. Within the fenced off areas there shall be no alteration to the ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand.

Reason - to ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.

- 19 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 in consultation with the County Council Ecologist. This is to ensure 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.

- 20 If no development has commenced on site, with regards to the construction of the dwellings, prior to March 2019 then no development shall commence until an updated Badger survey (which shall include any mitigation measures and licenses which would be obtained) has been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist. Once agreed the development shall thereafter be carried out in accordance with the recommendations of the Badger Survey and any mitigation measures once provided shall thereafter be so retained.

Reason - to ensure that protected species are adequately protected and their habitat enhanced.

- 21 No demolition/development shall take place until a programme of archaeological work,

commencing with an initial phase of geophysical survey and/or trial trenching, has been detailed within a Written Scheme of Investigation, first submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Archaeologist. The scheme shall include an assessment of significance and research questions; and: -

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

Reason - to ensure satisfactory archaeological investigation and recording.

- 22 No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 19.

Reason - to ensure satisfactory archaeological investigation and recording.

- 23 No dwelling shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 19 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason - to ensure satisfactory archaeological investigation and recording.

Notes to applicant

- 1 Outline planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 This decision is subject to a Section 106 Obligation regarding the following matters: -
 - a. On-site affordable housing contribution;
 - b. On-site play area;
 - c. On-site open space;
 - d. Contribution towards education;
 - e. Contribution towards improvements to two nearest bus stops;
 - f. Contribution towards display boards at the two nearest bus stops;
 - g. Contribution towards Real Time Information (RTI) displays at the two nearest bus

- stops;
- h. Travel Packs.
- 4 The applicant is advised that the Council's Conservation Officer has specified that the proposed dwellings should be a maximum of one and a half storeys in height in order to reduce the impact on the setting of the conservation area and the long views of the church and hill fort from the south. In submitting a reserved matters application it would need to be adequately demonstrated that adverse impacts would not arise (i.e. with the provision of site sections) particularly if two-storey dwellings are proposed.
- 5 You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted to and approved in writing by the Local Planning Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
- 6 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Developer Improvements 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.
- 7 C.B.R. Tests shall be taken and submitted to the County Council's Highways Manager prior to the development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.
- 8 The highway boundary is the hedge fronting onto Worthington Lane and not the edge of the carriageway/road.
- 9 The applicant must ensure that people carrying out the works are made aware of the legal status of breeding birds, and that they proceed with care to ensure that if any breeding birds are present, they are not killed, injured or disturbed. If a breeding bird is discovered it should be left undisturbed and the relevant work should be halted immediately until the young birds have flown. Failure to comply with this may result in prosecution any anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both, as it is an offence to disturb nesting/breeding birds.
- 10 The applicant is advised that the County Ecologist has requested that all tree, shrub and landscape planting provided should be of a locally native species only.
- 11 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you obtaining a solution which protects both the public sewer and the building.
- 12 The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. The WSI must be submitted to the planning authority and Historic and Natural Environment Team (HNET), as archaeological advisors to the District Council, for approval before the start of development. The WSI should comply with HNET's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development. HNET, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

- 13 Leicestershire County Council, as the Lead Local Flood Authority (LLFA), is currently in the process of producing a report in relation to the recent flooding incidents in Breedon On The Hill and subsequent investigations carried out. The comments made within this development advice to the Local Planning Authority are on the basis of the information in relation to flooding incident available at the time of writing and therefore do not consider any details provided to the LLFA at a later stage.
The LLFA advise that as the development proposals are progressed, the applicant enter in to discussions with the LLFA to ensure the most appropriate surface water drainage scheme can be achieved and any flood risk is adequately mitigated. The LLFA can be contacted at the following email address, flooding@leics.gov.uk.
- 14 Although the application is for outline planning permission considering access only, and with a further assessment of SuDS required, in its current layout the proposed balancing pond would need to be online to afford the development site with sufficient surface water treatment elements. On submission of reserved matters and/or discharge of conditions applications, the LLFA would expect to see further assessment of SuDS as indicated within the submitted outline Flood Risk Assessment (ref. ALS010778FR1).
- 15 For the watercourse assessment (condition 16), the climate change allowances used should be based on those for the Humber basin district contained within Table 1 at the following website:
<http://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>
When developing the surface water drainage proposals for the site, the climate change allowances used should be based on those contained within Table 2 at the above website.
- 16 If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This legislation is separate from the planning process.
Guidance on this process and a sample application form can be found via the following website: -
<http://www.leicestershire.gov.uk/Flood-risk-management>.
No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.
- 17 The LLFA note that the industry best practice at the time of developing the FRA may have been CIRIA C697 in relation to SuDS design, but that new guidance has been produced in the form of CIRIA C753. The LLFA would recommend that SuDS designs refer to the new guidance, including where the following aspects are detailed: treatment requirements and maintenance schedules for the surface water system.
- 18 Please note it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) that the adoption and future maintenance of SuDS features should be discussed with the developer and a suitable maintenance schedule agreed before commencement of the works.