

Erection of a detached dwelling with associated off-street parking(Revised Scheme)

Report Item No
A8

Land To The Rear Of 1 Hollow Road Breedon On The Hill
Derby DE73 8AU

Application Reference
16/00980/FUL

Applicant:
Mr James Burton

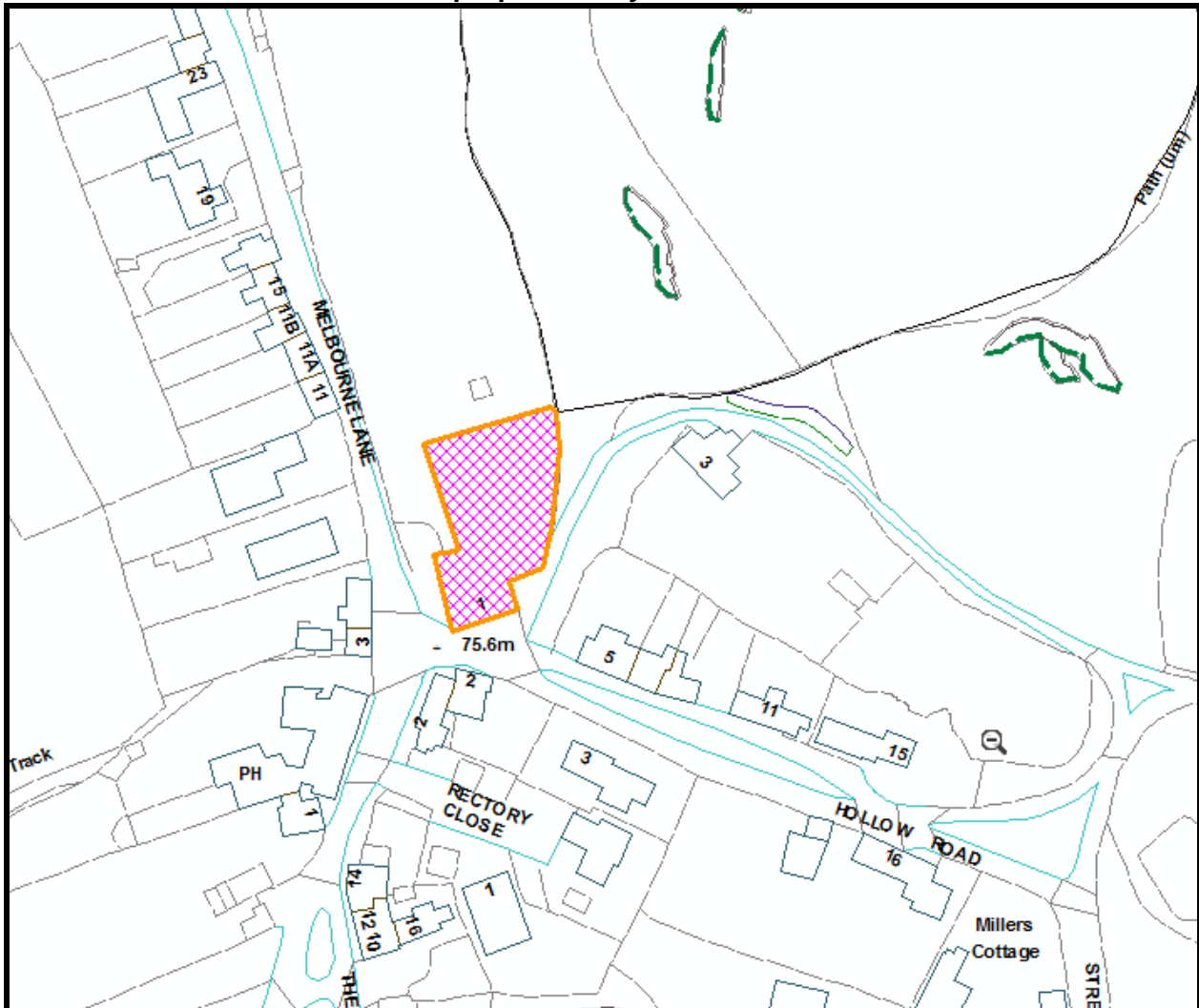
Date Registered
31 August 2016

Case Officer:
Adam Mellor

Target Decision Date
26 October 2016

Recommendation:
PERMIT

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 at the request of Councillor Stevenson in order for Members to assess the impacts of the development on heritage assets and residential amenity.

Proposal

Planning permission is sought for the erection of a detached dwelling at land to the rear of no. 1 Hollow Road, Breedon on the Hill which is situated to the north of Hollow Road and east of Melbourne Lane. The site is largely within the Limits to Development, as well as the Breedon on the Hill Conservation Area, with the Grade I Listed Church of St Mary & St Hardulph being located to the north east of the site.

Consultations

Two representations have been received objecting to the application with Breedon on the Hill Parish Council also objecting to the scheme. All other statutory consultees have raised no objections subject to conditions.

Planning Policy

The application site is largely within the Limits to Development as defined in the adopted and submitted North West Leicestershire Local Plans. The application has also been assessed against the relevant policies in the NPPF, the adopted and submitted Local Plans and other relevant guidance.

Conclusion

The application site is largely located within the Limits to Development where the principle of the form of development would be acceptable with Breedon on the Hill being considered a sustainable settlement. It is also considered that the site could be developed 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, landscaping, archaeology or airport safeguarding. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the policies referred to in the main report below.

RECOMMENDATION - PERMIT, subject to conditions.

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

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the construction of a detached dwelling with associated off-street parking (revised scheme) at land to the rear of 1 Hollow Road, Breedon on the Hill. The application site is to the north-east of no. 1 and currently forms part of the residential garden associated with this property. The site in question is within the defined Limits to Development and is also within the Breedon on the Hill Conservation Area. To the north-east lies the Breedon Hill Site of Special Scientific Interest (SSSI) as well as the Grade I Listed Church of St Mary & St Hardulph.

As part of the proposed development an existing studio and storage building would be removed from the garden. The proposed dwelling would be a 3 bedroom two-storey detached type which would be rectangular in shape and cover a ground area of 109.2 square metres. A curved gable ended roof would be utilised which would have a ridge height of 5.4 metres.

Originally a detached garage was proposed as part of the development but this element has now been removed following concerns being raised by Historic England and the Council's Conservation Officer. In terms of vehicular access to the site this would be achieved via an existing access off Hollow Road, at the junction with Melbourne Road, with external off-street parking being provided.

A design and access statement, heritage statement, tree survey and protected species survey have been submitted in support of the application.

The relevant planning history of the site is as follows: -

- 89/1523/P - Erection of one dwelling - Refused 4th April 1990.
- 90/0817/P - Erection of one dwelling and car port (resubmission) - Approved 29th August 1990.
- 15/00204/FUL - Construction of a detached two-storey dwelling involving the formation of a new vehicular access off Melbourne Lane - Withdrawn 5th January 2016.

2. Publicity

20 Neighbours have been notified (Date of last notification 19 October 2016)

Site Notice displayed 16 September 2016

Press Notice published 21 September 2016

3. Consultations

Breedon On The Hill PC consulted 13 September 2016

Historic England

NWLDC Conservation Officer

County Highway Authority

County Highway Authority

Severn Trent Water Limited

Head of Environmental Protection

NWLDC Tree Officer

County Archaeologist

LCC ecology
Airport Safeguarding
NWLDC Conservation Officer

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 the Hill Parish Council object to the application on the following summarised grounds: -

- No ridge or floor levels are shown so a decision on the overbearing impacts caused to neighbouring properties cannot be undertaken.
- There is a building shown on the plans which has no details.
- The archaeological assessment and design and access statement identify that there would be harm to heritage assets and as such the application should be refused.
- The materials of construction are not appropriate in a conservation area.
- This proposal is strongly objected to by the Parish Council.

East Midlands Airport - Safeguarding has no objections.

Historic England has no objections following the removal of the detached garage subject to the views of the Council's Conservation Officer being taken into account.

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

Leicestershire County Council - Ecology has no objections.

Leicestershire County Council - Highways Authority has no objections subject to their standing advice being considered.

NWLDC - Conservation Officer has no objections following the removal of the detached garage.

NWLDC - Environment Protection has no objections.

NWLDC - Tree Officer has no objections.

Severn Trent Water no representation received.

Third Party Representation

Two representations to the application has been received objecting to the proposed development with the comments raised summarised as follows: -

- The development is out of character with the conservation area and will harm the setting of the Grade I Listed Church and impact adversely on heritage assets in the village.
- The materials of construction will have harmful impact on the charm of Melbourne Lane.
- It is considered that the proposal would have an adverse overbearing and dominating impact on properties on Melbourne Lane given that the ridge height is not specified and the ground levels are higher.
- Supporting documents are inadequate and do not allow for a proper assessment to be

- undertaken.
- Plans and details are missing for a building which is proposed on the site which is assumed to be a garage.
 - The development will impact on the views of the hillside when using public footpaths and the highway.

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 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 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraph 17 (Achieving sustainable development);
Paragraph 28 (Supporting a prosperous rural economy);
Paragraph 32 (Promoting sustainable transport);
Paragraph 39 (Promoting sustainable transport);
Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 53 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 57 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 128 (Conserving and enhancing the historic environment);
Paragraph 129 (Conserving and enhancing the historic 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);

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 S2 - Limits to Development;
Policy E3 - Residential Amenities;

Policy E4 - Design;
Policy E7 - Landscaping;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy T20 - Airport Safeguarding;
Policy H4/1 - Housing Land Release; and
Policy H7 - Housing Design.

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 D1 - Design of New Development;
Policy D2 - Amenity;
Policy H6 - House Types and Mix;
Policy Ec5 - East Midlands Airport: Safeguarding;
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 Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

Breedon on the Hill Conservation Area Appraisal and Study - April 2001

This document outlines that buildings in the settlement are largely two-storey in height with some more dominant three-storey properties interspersed. For the most part buildings constructed in the settlement are located up to back edge of the pavement or road, the principal exception to this being Breedon Hall. Modern buildings in the settlement are typically set back from the highway with front garden areas. The development of Rectory Close, Hillside Court and Stud Farm Close has also introduced cul-de-sacs into the established street pattern.

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;

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

6. Assessment

Principle of Development and Sustainability

On the basis of the Proposals Map to the adopted Local Plan the site is wholly within the Limits to Development, however, on the Proposals Map to the submitted Local Plan the site is mainly within the Limits but part of it would be outside these Limits due to amendments to the boundaries. Within the Limits to Development the principle of residential development is considered acceptable, subject to compliance with the relevant policies of the adopted and submitted Local Plans and other material considerations, but outside these Limits this principle is not accepted.

Policy H4/1 of the adopted Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential test is outdated in the context of the NPPF, the sustainability credentials of the scheme would still need to be assessed against the NPPF. Policy S2 of the submitted Local Plan highlights that Breedon on the Hill is a 'sustainable village' where a limited amount of growth will be permitted within the defined Limits to Development.

Breedon on the Hill benefits from a range of local services including a shop (incorporating a post office), butchers, primary school, community centre, public houses, church and recreation ground. Public transport is also available via the Robert Coaches Air Link Service 155 which runs two hourly between Coalville and East Midlands Airport from Monday to Saturday. Given the location of the site all these services would be accessible on foot due to the presence of a maintained raised footway which is well lit. In this circumstance it is considered that a scheme for one dwelling would score well against the social sustainability advice contained within the NPPF, with any future occupants of the development also helping to sustain these services in the future which is a key intention of Paragraphs 28 and 55 of the NPPF. As the site is mainly within the defined Limits the development is also considered to be compliant with Policy S2 of the submitted Local Plan.

On the basis that the site is within the defined Limits to Development, as outlined on the Proposals Map to the adopted Local Plan, the principle of the development would be acceptable and it would constitute a sustainable form of development in accordance with the NPPF.

The site is partially outside the defined Limits to Development on the basis of the Proposals Map to the submitted Local Plan and this is afforded some weight. As such, an assessment has also been made against the environmental strand of sustainability. Residential dwellings exist to

the south and west of the site, along Melbourne Lane and The Hollow, with a substantial tree screen existing to the north and eastern boundaries which are shared with the Breedon Hill Site of Special Scientific Interest (SSSI). In the context of the site's location it is considered that it would not be significantly detached from the defined Limits and as a consequence the proposal would not impact adversely on the 'openness' of the rural environment given its containment within an enclosed residential garden and paddock. The development would also not result in the provision of an 'isolated' dwelling in the countryside given the relationship with built forms with any views established from the public domain assessing the site in the context of its relationship with neighbouring buildings. Such a limited impact would therefore not make the development environmentally unsustainable.

The site is currently used as garden land, which is excluded from the definition of previously developed land set out in the NPPF, and therefore effectively constitutes a greenfield site. It is highlighted within the NPPF that decisions should encourage the effective use of land by re-using land that has been previously developed and that Local Planning Authorities should consider the use of policies to resist inappropriate development of residential gardens (Paragraph 53). Neither the adopted or submitted Local Plans contain a specific policy which restricts development on garden land and in the circumstances that the proposal would not impact adversely on the character and appearance of the wider area and streetscape, as assessed in more detail below, it is considered that there is no conflict with the intentions of Paragraph 53 of the NPPF.

Residential Amenity

The proposed dwelling would be set 26.0 metres from no. 11 Melbourne Lane, being the closest dwelling on this highway to the proposal, and this distance would be considered sufficient in ensuring no adverse overbearing or overshadowing impacts would arise even though the proposed dwelling would be on a higher land level. No. 3 Hollow Road would also not be adversely impacted on by the proposed development given the extent of screening afforded by the planting which exists to the boundary with the SSSI.

In these circumstances the property most immediately affected by the proposed dwelling would be the applicant's own property (no. 1 Hollow Road) which is set 12.0 metres to the south-west of the proposed dwelling. The land level of the garden to no. 1 is roughly consistent with the lintel height of the ground floor windows and as a consequence it is proposed that the topography of the land is altered to enable the new property to have a finished floor level which would not be significantly higher than that of no. 1. It is also proposed that the ridge level of the proposed dwelling would be lower than that of no. 1. A reduction in the land levels will ensure that the expanse of built form which would be presented to what would become the shared boundary with no. 1 would not be significant and in any event would only directly impact on the latter parts of the rear amenity area associated with no. 1. Given the overall extent of garden retained to no. 1, as well as the orientation of the proposed dwelling to no. 1, it is considered that any overbearing or overshadowing impacts would not be significantly detrimental as to warrant a refusal of the application.

With regards to overlooking impacts it is considered that views from windows at ground floor level in the western elevation of the proposed dwelling would be restricted due to the proposed difference in land levels with the glazing at first floor level not serving a habitable room and in any event only providing a view onto the latter parts of the rear amenity area associated with no. 1. Following amendments to the plans views from first floor windows in the southern elevation would only provide an oblique angle of view towards the immediate rear amenity area associated with no. 1 with no direct view into the property. On this basis the amenities of no. 1

would not be adversely impacted on in respect of overlooking impacts.

Subject to the provision of suitable boundary treatments between the site of the new dwelling and no. 1 it is considered that the future occupant's amenities would not be adversely impacted on by the relationship with this property. Whilst trees of a mature stature exist to the eastern boundary of the site, which would result in an inevitable overshadowing impact in the early parts of the day, it is considered that the dwelling has been positioned so as to minimise this impact with the orientation ensuring this effect is strictly limited to the morning hours. On this basis it is considered that the extent of shadowing would not be sufficiently detrimental as to warrant a refusal of the application with any future occupant being aware of this relationship, as well as the relationship with no. 1, prior to their purchase or occupation.

Overall the proposed development would accord with Policy E3 of the adopted Local Plan and Policy D2 of the submitted Local Plan.

Impact on the Character and Appearance of the Area, Streetscape and Historic Environment

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.

The land adjacent to the western boundary of the site is 1.02 metres higher than that of Melbourne Lane with the land increasing by 4.26 metres from west to east and by 1.50 metres south to north. It is proposed that the dwelling would be closely associated with no. 1 and would not be readily visible from outside the site given the presence of no. 1 to the south, dense vegetation to the eastern boundary and the topography of the adjoining paddock land and presence of mature hedgerow limiting views from the north. As a result of this the dwelling would only be duly prominent when stood to the frontage of nos. 7 and 9 Melbourne Lane (to the west) and as a consequence would have a limited impact on the overall appearance of the streetscape. Although the proposed dwelling would exist as a backland form of development it is considered that the relationship between the proposal and no. 1 Hollow Road would not be substantially different to that between no. 3 Hollow Road and nos. 5 - 9 Hollow Road, to the immediate east, and as a consequence the implications to the character of the streetscape or wider area would not be sufficiently detrimental as to warrant a refusal of the application.

With regards to the Conservation Area, which includes an area identified as open space in the Breedon on the Hill Conservation Area Appraisal, as well as the setting of the Grade I Listed Building and Scheduled Monument, the Church of St Mary and St Hardulph, the Council's Conservation Officer considers that the repositioning of the dwelling (to that assessed under 15/00204/FUL) now reduces the implications to the settings of the Grade I Listed Building and Scheduled Monument given that it would now not encroach upon the view established from the village towards these heritage assets. Historic England have also not objected to the position of the dwelling particularly as it now contained within the existing garden to no. 1 and would occupy an area where existing outbuildings are positioned.

Historically the land in question has been used in connection with agriculture and as such an approach has been taken to designing a dwelling which is influenced by 'agriculture' with the use of timber cladding and metal roofing. It is considered that this approach allows for the development to respond better to the topography of the site and is considered to be more appropriate than a design reflecting a 'standard' detached dwelling so that it can differentiate itself from no. 1. Although a more 'modern' design to that generally associated with an

'agricultural barn' this is considered to be acceptable in a new build particularly when assessed in the context of Paragraph 60 of the NPPF which indicates that *"decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles."* As the eastern side of Melbourne Lane has a more rural character when travelling northwards it is considered that the 'agricultural' design approach adopted acts as a natural transition between the built and rural environment and as such would not result in sufficient harm to the character and appearance of the streetscape. There would also be no harm to the setting of heritage assets which would require a further assessment against Paragraph 134 of the NPPF. In respect of the scale of the dwelling it is considered that this would be consistent with dwellings in the immediate area, including nos. 7 and 9 Melbourne Lane, and therefore would respect the environment in which it would be set.

Within the application it is specified that timber cladding to the elevations and zinc roof cladding would be utilised, however it is noted that the Parish Council has raised concerns over the suitability of the use of such a roofing material. It is observed that the Council's Conservation Officer, or Historic England, have raised no objection to the potential use of a 'metal' roofing element but in the absence of any precise information on its appearance and finish it is considered reasonable to impose a condition on any permission granted for the proposed materials to be agreed.

Overall the layout, design and scale of the dwelling is considered to be appropriate and would ensure that the development accords with Paragraphs 57, 60, 61, 131, 132 and 137 of the NPPF, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies E4 and H7 of the adopted Local Plan and Policies D1 and He1 of the submitted Local Plan.

Highway Safety

The County Highways Authority have raised no objections to the proposal subject to their standing advice being considered.

It is proposed that an existing vehicular access into the site at the junction of Melbourne Lane and Hollow Road would be utilised to access the proposed dwelling as well as provide an area for separate parking associated with no. 1 Hollow Road. The shared access would have a width of 4.5 metres and this would be sufficient in ensuring that the conflict between vehicles would be limited. Any vehicle exiting the site could also see clearly down the access drive to the highway to ascertain if a vehicle was entering the site before they progressed. Within the site a sufficient sized area would be provided to enable vehicles to manoeuvre so that they can exit in a forward direction. In the circumstances that the movement of vehicles into and out of the site would not 'severely' impact on pedestrian or highway safety it is considered that the proposal would accord with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

As a three bedroom dwelling a minimum of two off-street parking spaces would be required and it is considered that sufficient space would exist on the site for this level of off-street parking to be provided to serve the new dwelling. Whilst the dimensions for the parking spaces proposed to be associated with no. 1 would be slightly below those outlined in the 6Cs Design Guide in the circumstances that no. 1 does not currently have off-street parking the provision of any form of parking would represent a highway gain and therefore the inadequacies would not warrant a refusal of the application. Overall the development would accord with Paragraph 39 of the NPPF, Policy T8 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

Ecology

The County Council Ecologist has raised no objections to the application given that the buildings to be removed would not be appropriate for housing bats and that protected species on the wider site would not be impacted on due to the repositioning of the dwelling. Whilst Natural England have not been consulted on the proposal it is noted that they raised no objections to the scheme proposed under application reference 15/00204/FUL subject to the imposition of a condition to prevent direct access from the site into the Breedon Hill SSSI. Subject to the suggested condition of Natural England being imposed on any consent granted it is considered that ecological species would not be duly impacted on and therefore the scheme is 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 undertaken a site visit and considers that the only tree of merit within the garden of the application site is an Ash tree. As submitted the layout plan shows that the dwelling is positioned outside the root protection area (RPA) of this tree and could accommodate any spread of its crown, as a consequence of this it would not be duly impacted on by the development. Trees to the eastern boundary of the site, shared with the Breedon Hill SSSI, would also not be impacted on by virtue of the position of the dwelling.

As specified in the Residential Amenity section of this report it is noted that it is inevitable that part of the amenity area associated with the dwelling, as well as its eastern (side) elevation, would be subjected to shading when the sun is positioned to the east and south-east due to the maturity and height of the trees to the eastern boundary. However BS5837:2012 outlines that *"NOTE The presence of large species trees is increasingly being seen as advantageous, since it contributes to climate change resilience, amongst other benefits;"* and *"NOTE 1 Shading can be desirable to reduce glare or excessive solar heating, or to provide for comfort during hot weather. The combination of shading, wind speed/turbulence reduction and evapo-transpiration effects of trees can be utilised in conjunction with the design of buildings and spaces to provide local microclimate benefits."* Given that the property would only be subject to excessive shading in the early parts of the day, and that the dwelling has been designed to propose habitable room windows in the western (side) elevation as well as glazing within a 'valley' on the roof, it is considered that such a relationship would be acceptable. It is also considered that the trees would not be subjected to unnecessary pressure for removal given that they would be afforded protection due to the site being within the conservation area.

Given this conclusion it is considered that an approval of the development would not result in significant conflict 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 the historic settlement core of medieval and post-medieval Breedon and is to the base of Breedon Hill which is a site of considerable archaeological complexity and significance, incorporating the scheduled site of an Iron Age hillfort, Saxon minister and associated Augustinian Priory of which the only surviving structure is the Grade I church of St Mary and St Hardulph. Fieldworking and excavations in the vicinity of Breedon Hill have identified evidence from the Mesolithic and Neolithic periods as well as heavy activity during the Iron Age. Given the topography of the land, and associated groundworks to facilitate the development, there is a possibility that any remains

present will be damaged.

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 investigation to be undertaken (including intrusive and non-intrusive investigations and recordings) in advance of the development commencing in order to record and progress 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 as well as Policy He1 of the submitted Local Plan.

Other Matters

East Midlands Airport Safeguarding have raised no safeguarding objections to the development and as such it would be considered compliant with Policy T20 of the adopted Local Plan and Policy Ec5 of the submitted Local Plan.

Summary Reasons for Granting Planning Permission

The application site is largely located within the Limits to Development where the principle of the form of development would be acceptable with Breedon on the Hill being considered a sustainable settlement. It is also considered that the site could be developed 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, landscaping, archaeology or airport safeguarding. There are no other material planning considerations that indicate planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the above mentioned policies.

RECOMMENDATION - PERMIT, subject to 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 proposed development shall be carried out strictly in accordance with the following drawing numbers: -
 - 14016 (08) 01 Revision I (Location and Context Plan), received by the Local Authority on the 23rd November 2016;
 - 14016 (08) 02 Revision H (Site Plan), received by the Local Authority on the 23rd November 2016;
 - 14016 (08) 04 Revision F (Plans Ground Floor, First Floor & Roof), received by the Local Authority on the 23rd November 2016;
 - 14016 (08) 07 Revision F (Elevations 1 of 2), received by the Local Authority on the 23rd November 2016;
 - 14016 (08) 08 Revision F (Elevations 2 of 2), received by the Local Authority on the 23rd November 2016;
 - 14016 (08) 12 Revision B (Street Elevation), received by the Local Authority on the 23rd

November 2016;

unless otherwise required by another condition of this permission.

Reason - to determine the scope of the permission.

3 Notwithstanding the details shown on the approved plans, no development shall commence until the following have been submitted to and agreed in writing by the Local Planning Authority: -

- Samples of the materials to be utilised in all external surfaces (including the construction material of windows and doors);
- The proposed colour/stain finish for all joinery and timber cladding;
- Details of the rainwater goods;

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

Reason - to enable the Local Planning Authority to retain control over the external appearance in the interests of the amenities of the area.

4 Notwithstanding the provision of Part 1 (Classes A - E) of Schedule 2, Article 3 of the Town and County Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) the dwelling, hereby permitted, shall not be enlarged, improved or altered nor shall any building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse be provided within the curtilage of the dwelling unless planning permission has first been granted by the Local Planning Authority.

Reason - to enable the Local Planning Authority to retain control over future development in view of maintaining the overall appearance of the scheme, given its setting within the Breedon on the Hill Conservation Area, and in the interests of preserving the amenities of neighbours.

5 Notwithstanding the details shown on the approved plans before first occupation of the dwelling, hereby permitted, a scheme of soft and hard landscaping (including for the retention of any existing trees and hedgerows) shall be submitted to and agreed in writing by the Local Planning Authority. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the first occupation of the dwelling with the hard landscaping scheme being provided in full prior to the first occupation of the dwelling unless alternative implementation programmes are first agreed in writing with the Local Planning Authority.

Reason - to ensure a satisfactory landscaping scheme is provided within a reasonable period and in the interests of visual amenity given the site's location within a Conservation Area.

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

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

- 7 No development shall commence until trees on and adjacent to the site have been securely fenced off with protective vertical barriers and ground protection to form a construction exclusion zone in accordance with BS5837:2012 Trees in relation to design, demolition and construction. 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 protected areas there shall be no alteration to the ground levels, no compaction of the soil, no stacking or storing of any materials and no service trenches shall be dug.

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

- 8 Notwithstanding the details shown on the approved plans before first occupation of the dwelling, hereby permitted, a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railing, other means of enclosure and the secure boundary treatment between the site and the Breedon Hill SSSI, which will ensure there will no direct access) and the relevant elevation details shall be 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 the dwelling unless an alternative timescale is first agreed in writing by the Local Planning Authority.

Reason - to preserve the amenities of the locality, in the interests of highway safety, in the interests of the significance of heritage assets and to ensure the development does not impact on the features of special interest for which Breedon Hill SSSI is notified.

- 9 Prior to the first occupation of the dwelling, hereby permitted, the following shall be provided: -

- The off-street parking and turning areas shall be provided in strict accordance with those shown on drawing number 14016 (08) 02 Revision H, received by the Local Authority on the 23rd November 2016, which shall be surfaced in accordance with the hard landscaping scheme agreed under Condition 5 of this permission;
- An access gradient in accordance with that shown on drawing number 14016 (08) 02 Revision H, received by the Local Authority on the 23rd November 2016;
- The access drive shall be surfaced in accordance with the hard landscaping scheme agreed under Condition 5 of this permission;
- Drainage shall be provided with the site such that surface water does not drain into the Public Highway, including private access drives;

Once provided the above shall thereafter be so maintained with the parking and turning areas kept available for use at all times.

Reasons - to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area; to ensure that vehicles can exit the site in a safe manner; to ensure that vehicles enter and exit the site in a slow and controlled manner; to reduce the possibilities of deleterious material being deposited in the highway (loose stones etc) and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 10 The proposed site levels and finished floor level of the dwelling shall be provided in strict accordance with those shown on drawing numbers 14016 (08) 02 Revision H, received by the Local Authority on the 23rd November 2016, when read in conjunction with those shown on the same drawing. The above applies unless alternative site levels and/or finished floor levels are first submitted to and agreed in writing by the Local Planning Authority.

Reason - to determine the scope of the permission and in the interests of residential and visual amenities.

- 11 The residential curtilage of the property shall be restricted to the area outlined in red on the attached plan number LPA/16/00980/FUL.

Reason - for the avoidance of doubt and to prevent encroachment of the residential garden onto land designated as open space in the Breedon on the Hill Conservation Area Appraisal.

- 12 No development shall commence until a programme of archaeological work (Strip, Plan and Record excavation) including a Written Scheme of Investigation has been submitted to and approved 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;
- 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 achieve 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.

- 13 No development shall take place other than in accordance with the Written Scheme of Investigation approved under Condition 12.

Reason - to ensure satisfactory archaeological investigation and recording.

- 14 The dwelling, hereby permitted, shall not 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 12 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.

- 15 Operations that involve the destruction/removal/management of vegetation shall not be undertaken during the months of March to August inclusive unless otherwise agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist.

Reason - to ensure that nesting birds (a protected species) are adequately protected and their

habitat enhanced.

Notes to applicant

- 1 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 as well as 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 All works within the limits of the highway with regard to access shall be carried out to the satisfaction of the Highways Manager (telephone 0116 3050001).
- 4 Bats are a rare and declining group of species. Hence, all British species of bat and bat roosts are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 making it an offence to intentionally kill or injure or disturb these species whilst in a place of shelter or protection or disturb bat roosts. If bat or bat roosts are discovered during work on the development, the relevant work should be halted immediately and Natural England (Tel. 0115 929 1191) should be notified and further advice sought. Failure to comply with this advice may result in prosecution and 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.
- 5 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.
- 6 The Written Scheme(s) of Investigation (WSIs) must be prepared by an archaeological contractor acceptable to the Local Planning Authority. To demonstrate that the implementation of the WSIs has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
- 7 The Historic and Natural Environment Team (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 Local Planning Authority.