

Demolition of No. 1 The Crescent and erection of two detached dwellings with associated works

Report Item No
A9

1 The Crescent Breedon On The Hill Derby DE73 8AY

Application Reference
16/01005/FUL

Applicant:
Mr C Shaw

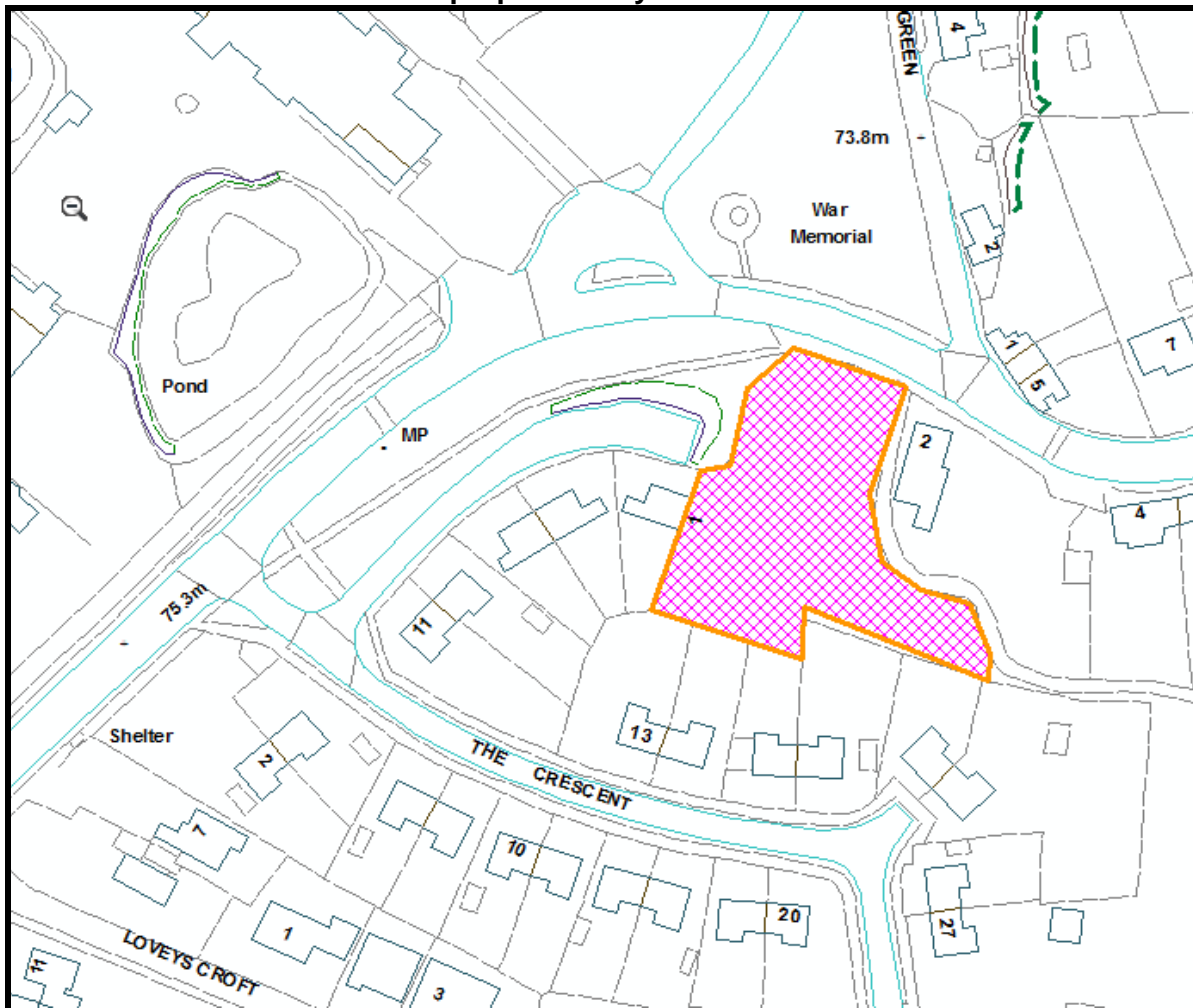
Date Registered
7 September 2016

Case Officer:
Adam Mellor

Target Decision Date
2 November 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 as the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to permit the application have been received.

Proposal

Planning permission is sought for the erection of two detached dwellings following the demolition of no. 1 The Crescent which is situated on the south-western side of The Crescent. The site is within the Limits to Development as well as the Breedon on the Hill Conservation Area.

Consultations

A total of two representations have been received objecting to the development with a further two representations raising concerns that surface water drainage should be fully considered. Breedon on the Hill Parish Council have no objections with all other statutory consultees raising no objections subject to conditions.

Planning Policy

The application site is within the Limits to Development as defined in the adopted North West Leicestershire Local Plan and in the submitted North West Leicestershire Local Plan. 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 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 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, 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 demolition of no. 1 The Crescent and the erection of two detached dwellings, along with associated works, at no. 1 The Crescent, Breedon on the Hill. No. 1 is a two-storey (habitable accommodation in the roof slope) semi-detached unit situated on the south-western side of the road at a higher land level to Main Street which The Crescent runs parallel to. The application site is situated within the Limits to Development, as well as the Breedon on the Hill Conservation Area, with the surrounding area consisting predominately of dwellings which vary in their type and design.

The proposed dwellings would be two-storey (habitable accommodation in the roof slope) four bedroom detached types. In respect of vehicular access to the properties plot one would be served by the existing access off The Crescent with plot two being served off an existing access onto Main Street. Both dwellings would also be served by a detached single garage.

A design and access statement, heritage statement and ecological report have been submitted in support of the planning application.

No recent or relevant planning history was found.

2. Publicity

12 neighbours have been notified (Date of last notification 21 September 2016)

Site Notice displayed 29 September 2016

Press Notice published 28 September 2016

3. Consultations

Breedon On The Hill PC consulted 21 September 2016

County Highway Authority

Severn Trent Water Limited

Head of Environmental Protection

County Archaeologist

LCC ecology

NWLDC Conservation Officer

LCC Flood Management

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 has no objections but would like to see the existing green front area preserved as much as possible with existing trees being subject to a Tree Preservation Order (TPO).

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

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

Leicestershire County Council - Highways Authority have verbally confirmed that there are no objections.

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

NWLDC - Conservation Officer has raised concerns over the demolition of no. 1 The Crescent and the design of the dwellings not being positive to the heritage asset.

NWLDC - Environmental Protection has no objections.

Severn Trent Water has no objections subject to notes to the applicant.

Third Party Representations

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

- Proposed development will result in overlooking of my property due to the position of plot 2 to the boundary.
- The outlook from my house and garden will be of plot 2.
- Is the development necessary given that no. 3 has recently been renovated.
- Provision of further hard standing will increase the probability of surface water flooding.
- Proposal results in an infill development with a cramped form of development.
- There are inaccuracies and errors in the ecological report.
- The application forms state that there are no trees or hedges on the site whereas it is clear that numerous trees and hedges exist.
- The dwellings will not have sufficient gardens given that the land to the rear of no. 1 The Crescent is limited.
- Services within the settlement are limited.
- The development would not be sustainable.
- The proposed access arrangements are not suitable.
- Development is not in keeping with the character of the area and would be incongruous.

Two representations commenting on the application have been received with the views raised summarised as follows: -

- The garden is subject to flooding and therefore surface water drainage needs to be carefully considered.
- Several trees on the site constitute an amenity in the conservation area and as such should be protected.
- The application site is within the flood zone and a soak-away test should be provided.
- The bus service serving the settlement is now two hourly rather than hourly.

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 103 (Meeting the challenge of climate change, flooding and coastal change);
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 within the Limits to Development as defined in the adopted Local Plan. The following adopted 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 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 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.

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 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

The application site is located within the Limits to Development where 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. Within the NPPF there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

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. Limited 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 maintained raised footways which are well lit. In this circumstance it is considered that a scheme for two dwellings would score well against the 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 within the defined Limits the development is also compliant with Policy S2 of the submitted Local Plan.

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.

Overall the principle of development would be considered sustainable in accordance with the core principles of the NPPF.

Residential Amenity

The properties most immediately affected by the proposed development would be no. 3 The Crescent, located to the west, The Old Chapel, Main Street, located to the north-east, and nos. 13, 15, 17 and 19 The Crescent, located to the south.

No. 3 The Crescent is a two-storey (habitable accommodation in the roof space) semi-detached property which is currently attached to no. 1 which is to be demolished. At present the shared boundary is defined by a 2 metre high close boarded fence. The amended layout highlights that the detached garage to plot 1 would adjoin the shared boundary with no. 3 and whilst it would be beyond the south-western (rear) elevation of this property, being set 3.5 metres from this elevation, it has been designed so that the ridge height is limited to 4.5 metres and that the roof would slope away from the shared boundary. On this basis it is considered that no sufficiently adverse overbearing or overshadowing impacts would arise from the element of the proposal which would warrant a refusal of the application. The position of plot 1 itself would also not impact adversely on the amenities of no. 3 given its proximity to the boundary (5 metres) and its projection beyond the south-western (rear) elevation of no. 3 being limited to 3 metres. No windows are proposed in the north-western (side) elevation of plot 1 with windows in the south-western (rear) elevation only providing views towards the latter parts of the garden associated with no. 3 at an oblique angle. On this basis no adverse overlooking impacts would arise.

With regards to the impacts on The Old Chapel it is proposed that plot 2 would be set 3.25 metres, at its closest point, from the shared boundary with the detached garage being set 2.25 metres from the same boundary. Whilst situated on a higher land level to that of The Old Chapel it is proposed that the dwelling would be set 9.0 metres from the corner of the south-western (rear) elevation of this property and on this basis it would not have a sufficiently adverse overbearing or overshadowing impact on the occupant's amenities particularly given its oblique position. It is also considered that the position of the dwelling would not have a significantly adverse overbearing or overshadowing impact on the garden associated with The Old Chapel given the extent of the garden which exists. With regards to the detached garage to plot 2 it is considered that this would be provided on a lower land level to that of the dwelling and taking into accounts its overall scale and height it is considered that this element of the development would not impact significantly on the amenities of The Old Chapel. In respect of overlooking implications no windows are proposed in the eastern (side) elevation of plot 2 which would allow a direct view to be established with views out of the northern (front) windows being at an oblique angle towards the rear elevation of The Old Chapel, on this basis no adverse overlooking impacts would arise.

A distance in excess of 30 metres would be provided between the rear elevations of the plots to those dwellings to the south of the site on The Crescent, with a minimum of 10 metres to the shared boundaries (plot 2 with no. 19), and these distances would ensure that no adverse impacts would arise to the occupants' amenities.

In respect of the future amenities of the occupants of plots 1 and 2 it is considered that on the basis of the orientation of the proposed dwellings to neighbouring properties an acceptable relationship would be established with the position of windows on neighbouring properties also ensuring no adverse overlooking impacts would arise, particularly as the windows on the north-western (side) elevation of The Old Chapel would only provide views onto the front amenity area of plot 2. The relationship between plots 1 and 2 would also be acceptable.

The right to, or loss of, a view is not a material planning consideration which could be taken into account in the assessment of the application.

To conclude it is considered that the proposed development would be compliant 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.

Properties on the cul-de-sac which projects from The Crescent are at a higher land level to those on Main Street and are predominately two-storey (habitable accommodation in the roof slope) semi-detached types. Properties to the south of the site, also on The Crescent, are two-storey semi-detached types with properties on Main Street and The Green being a mix of two-storey detached, semi-detached and terraced units. Dwellings in the area largely present their principal elevation to the carriageway and generally either abut, or are located in close proximity to, the highway.

The application site is within the Breedon on the Hill Conservation Area and the Council's Conservation Officer has commented that the demolition of no. 1 The Crescent will lead to no. 3 The Crescent appearing asymmetrical and truncated with the presence of nos. 5 and 7 (originally of the same design as no. 1) emphasising the incongruous appearance of no. 3. Therefore, the Council's Conservation Officer considers that no. 1 should be retained as part of the development.

Whilst acknowledging the view given by the Council's Conservation Officer it is recognised that the building is not an 'unlisted building' of interest in the Breedon on the Hill Conservation Area Appraisal and from a practical point of view is deemed to be un-mortgagable due to its standard of construction (being a pre-fabricated building with an original life expectancy of 15 years). It is also considered that the cladding of bricks to nos. 5 and 7 The Crescent, and timber to no. 3, have significantly altered the character of these buildings and consequently diminished the contribution they make to the historic significance of the heritage asset. Nos. 1 and 3 The Crescent are also no longer symmetrical, given the alterations undertaken to no. 3, with the differing cladding materials to nos. 5 and 7 and as such, it is not considered that no. 3 would be so incongruous as to warrant refusal of the application.

Concerns have also been raised in respect of the treatment of no. 3, following the demolition of no. 1, and that dormer 'bungalows' are not a characteristic of traditional development within Breedon on the Hill. With regards to these matters a scheme of works proposed to the south-eastern (side) elevation of no. 3 has been submitted by the planning agent, which has been agreed with the occupant, and these works will result in this elevation having an external appearance consistent with the other elevations. There are also numerous examples of properties in the settlement which utilise gablets on the front elevation, particularly on Melbourne Lane, which would not differ significantly in appearance to the design approach proposed where dormers would be installed.

To conclude, in respect of the implications to the heritage asset, it is considered that there would be some harm to the significance of the heritage asset (being the Breedon Conservation Area). This harm, however, is considered to be less than substantial and as such would be assessed in the context of Paragraph 134 of the NPPF. As identified above there is no value in retaining a building which is not suitable for habitation in its current guise and therefore the optimum viable use of the site would be for residential redevelopment with their also being public benefits associated with the provision of additional housing stock in the settlement on a site within the Limits to Development and which results in the removal of several dilapidated outbuildings within the curtilage of no. 1 which do not impact positively on the significance of the

heritage asset. Therefore, the character and appearance of the heritage asset would, at the very least, be preserved.

With regards to the general implications to character and appearance of the streetscape it is considered that the dwellings are orientated to address the carriageway and are positioned so as not to deviate significantly from the building line established by nos. 1 and 3. It is also considered that the units being detached would not result in detriment to the appearance of the streetscape given they would be associated with no. 3, which would become detached, and The Old Chapel. It is also proposed that plot 2 would be set with a lower floor level than that of plot 1 so as to ensure there is a 'step down' from plot 1 to plot 2 and from plot 2 to The Old Chapel.

In respect of the design of the dwellings themselves it is considered that the footprint and overall scale would be consistent with that of detached dwellings in the area with it also exhibiting design features consistent with properties in the area which have a positive impact on the appearance of the streetscape including chimneys, eaves and verge detailing, stone cills and brick headers and projecting timber canopy. On this basis this individual scale and designs of the dwellings would respect the character and appearance of the area and would not result in an overdevelopment of the site particularly when the overall size of the plots would be consistent with those of dwellings in the immediate vicinity.

Plot 1 would be rendered with plot 2 being constructed from red brick with both dwellings utilising natural slate tiles. The predominant building materials in the immediate area are red bricks and render and as such the use of the suggested materials would be acceptable although given that no precise information has been submitted it is considered reasonable to impose a condition on any permission granted for the precise materials to be agreed.

Overall it is considered that the layout, design and scale of the dwellings would be acceptable and as such the proposal complies with Paragraphs 57, 60, 61, 131, 132, 134 and 137 of the NPPF, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies E4 and H7 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

Highway Safety

The County Highways Authority have verbally confirmed that they have no objections subject to conditions.

It is proposed that plot 1 would be served via an existing access off The Crescent and in the circumstances that this access is already utilised in connection with one dwelling there would be no detrimental implications to highway safety. Plot 2 would also be served via an existing access off Main Street and whilst not recently used in connection with vehicular movements at no. 1 it has to be recognised that planning permission would not be required to reintroduce vehicular movements via this access. In this circumstance it is considered that the proposed vehicular movements associated with plot 2 would not have a severely detrimental impact on pedestrian or vehicular safety. Within the curtilages of plots 1 and 2 it would also be possible to provide suitable manoeuvring facilities so as to ensure vehicles exit their respective sites in a forward direction. Overall the development would not impact adversely on pedestrian and highway safety and as such the proposal accords with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the submitted Local Plan.

With regards to off-street parking it is considered that the internal dimensions of the detached garage would be sufficient for the parking of a vehicle with there also being additional space to the frontage of the dwellings for a further two vehicles to park. In the circumstances that three

off-street parking spaces would be sufficient for a four bed property the proposal is considered compliant with Paragraph 39 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF7 of the submitted Local Plan.

Ecology

The County Council Ecologist has raised no objections to the proposal on the basis of the information contained within the protected species survey subject to the imposition of conditions to secure the mitigation measures proposed and for any vegetation to be removed outside the bird nesting season. On the basis these conditions are imposed on any consent granted the development would be considered compliant with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the submitted Local Plan.

Landscaping

At present a soft landscaped area exists to the frontage of the site which provides an open green space onto Main Street which is considered to have a positive impact on the appearance of the streetscape and which has been identified as an important area by both the Parish Council and third parties.

It is proposed that the dwellings would largely be constructed on land vacated by the numerous outbuildings, as well as no. 1 itself, so as to avoid impacting on this area of greenery with the only physical intrusion being the provision of hard surfacing for an access road and turning facilities and a detached single garage. As part of the assessment of the application the Council's Tree Officer has visited the site and considers that trees deemed to be important are towards its frontage and would not be duly impacted on by the proposed development given the limited extent of hard surfacing proposed. On this basis the visual aesthetics of this green space would not be duly impacted on with the imposition of a landscaping condition on any consent granted ensuring that this area would be enhanced. Subject to the imposition of such a condition the development would be compliant with Policy E7 of the adopted Local Plan.

Although the Parish Council consider that the trees should be protected by a tree preservation order (TPO) the fact that the site is within the conservation area leads to these trees being afforded protection and therefore permission would be required for their subsequent removal or any works to them.

Development and Flood Risk

Whilst the site lies within Flood Zone 1, and therefore in an area at the lowest risk of flooding, the Environment Agency's Surface Water Flood Maps identify that the lower areas of the site are at a medium risk of being flooded by surface water. As a result of this the Lead Local Flood Authority (LLFA) have been consulted on the application and following an assessment of the information submitted they have raised no objections subject to the imposition of a condition on any permission granted. The proposed condition will seek to ensure that surface water run-off from the site does not increase and that areas of surfacing to the lower land area are permeable so as to ensure water is not displaced off the site during a surface water flooding incident. The dwellings themselves would not be impacted on by surface water flooding given that they would be at a higher land level. In conclusion the development would be considered compliant with Paragraph 103 of the NPPF and Policies Cc2 and Cc3 of the submitted Local Plan.

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. Severn Trent Water have raised no objections to the development and as such the additional demands for foul drainage can be met by the existing sewerage system in place. On this basis the proposed development would accord with Paragraph 120 of the NPPF.

Archaeology

The County Council Archaeologist has outlined that no. 1 The Crescent is a late 1940s post-war prefab, constructed as part of Churchill's Temporary Housing Programme, which passed into law as the Housing Act of 1944. Around 5000 of these structures were exported to England from Sweden between 1945 and 1946 and were largely placed in rural areas to support farm workers' families. Such properties were designed and constructed as a temporary measure, with a limited life-span of 15 years, with nos. 1 and 3 The Crescent representing a rare survival of this type of structure which were provided in Breedon for quarry worker's families during an industrial expansion following the Second World War.

Given that it is proposed that no. 1 The Crescent would be demolished the value the structure would make to the understanding of social history and post-war expansion, within the setting of the Breedon conservation area, would be lost. On this basis the County Council Archaeologist suggests conditions should be imposed on any consent granted for a building recording (photographic survey) and written scheme of investigation to be approved prior to the demolition of the structure in order to record and advance the understanding of the significance of the heritage asset. Such conditions are considered reasonable given the historic significance of the structure and their inclusion would ensure the development complies with Paragraph 141 of the NPPF as well as Policy He1 of the submitted Local Plan.

Other Matters

With regards to the comments of third parties which have not been assessed above it is considered, following a site visit, that the street elevation drawing is misleading due to the ridge lines of properties to the south of the site on The Crescent not being visible in a view taken from Main Street should the dwellings be built. Although this drawing is misleading the assessment of the application is not based on an interpretation of this plan and therefore it has had no bearing on the conclusion reached. In order to ensure the finished floor and ground levels are carefully considered, given the potential inaccuracies with the drawing, a condition would be imposed on any permission granted for these details to be agreed which is considered reasonable in this circumstance.

Summary Reasons for Granting Planning Permission

The application site is 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 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, 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 County Planning Act 1990 (as amended).

- 2 The development shall be implemented in accordance with the site location plan (1:1250) and drawing numbers SHA.PRE.005 (Proposed Elevations - Plot 1), SHA.PRE.006 (Proposed Elevations - Plot 2), SHA.PRP.007 (Proposed Plans - Plots 1 and 2), SHA.GAR.009 (Proposed Garage - Plot 1) and SHA.GAR.010 (Proposed Garage - Plot 2), received by the Local Authority on the 7th September 2016, as well as drawing number SHA.PSL.004 Revision C (Proposed Site Layout), received by the Local Authority on the 10th October 2016, unless otherwise required by another condition of this permission.

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

- 3 Notwithstanding the details shown on the approved plans, the dwellings shall not be built above damp proof course level until the following have been submitted to and agreed in writing by the Local Planning Authority: -

- Details of the materials to be utilised in all external surfaces (including the construction material of windows and doors);
- The proposed colour finish for the render on plot 1;
- The proposed colour/stain finish for all joinery;
- Details of the brick bond for plot 2;
- Details of the rainwater goods;
- Position and finish of the meter boxes (if external);
- Construction material of the cills and lintels;
- Precise details of the dentilation, corbelling and verge finish to the dwellings;

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

Reason - to enable the Local Planning Authority to retain control over the external appearance in the interests of the amenities of the area and given the setting of the dwelling within the Breedon on the Hill Conservation Area.

- 4 The proposed development shall be carried out in strict accordance with the conditions and recommendations outlined in the email from Samantha Howell to Andrew Large of the 27th September 2016, directed to the Local Planning Authority by Andrew Large on the 27th September 2016, which relate to the proposed works to the shared boundary and south-eastern (side) elevation of no. 3 The Crescent following the demolition of no. 1 The Crescent.

Reason - in the interests of the preservation of the amenities of no. 3 The Crescent and to ensure that the exposed side elevation of no. 3 is adequately restored in the interests of visual amenity and the significance of the heritage asset.

- 5 Notwithstanding the details showed on the approved plans before first occupation of the

dwellings, hereby permitted, a scheme of soft and hard landscaping (including for the retention of and any works to existing trees and hedgerows) shall be submitted to and agreed in writing by the Local Planning Authority. The hard landscaping scheme will have due regard to the requirements of the Lead Local Flood Authority (LLFA) highlighted in Condition 16. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the first occupation of any dwelling unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The approved hard landscaping scheme shall be provided in full prior to the first occupation of any dwelling, unless otherwise agreed in writing by the Local Planning Authority, and shall thereafter be so retained.

Reason - to ensure a satisfactory landscaping scheme is provided within a reasonable period, in the interests of visual amenity, to maintain suitable habitat for protected species and to reduce the possibility of a flooding incident occurring.

- 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 first 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 BS 5837:2012 (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 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 submitted plans, nor the requirements of Condition 2 above, before first occupation of the dwellings a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railings and other means of enclosure) shall be submitted to and agreed in writing by the Local Planning Authority. The submitted boundary treatment scheme will have due regard to the requirements of the LLFA highlighted within Condition 16. 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) or which bounds the watercourse other than any that are agreed under this Condition or other than 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 in consultation with the LLFA.

Reason - to preserve the amenities of the locality, in the interests of highway safety, to reduce the possibility of a flooding incident occurring and because insufficient information has been submitted as part of the application.

- 9 Notwithstanding the submitted plans, nor the requirements of Condition 2 above, no development shall commence on site until such time as details of the proposed finished floor levels of the dwellings and finished ground levels of the development, which shall be related to a fixed datum point off the site, have first been submitted to and agreed in writing by the Local Planning Authority. The submitted finished floor and ground levels will have due regard to the requirements of the LLFA highlighted within Condition 16. Once agreed the development shall then be carried out in accordance with the approved details.

Reason - to determine the scope of the permission and in the interests of residential amenity and to reduce the possibility of a flooding incident occurring given the absence of any precise information.

- 10 The development shall be carried out in strict accordance with the proposed ecological mitigation measures highlighted within Section 4 (Mitigation) of the Bat Mitigation Strategy by Rothen Ecology (dated August 2016), received by the Local Authority on the 7th September 2016, with the permanent mitigation measures highlighted within this report being provided in full prior to the first occupation of any of the dwellings and once provided shall thereafter be so maintained.

Reason - to ensure that bats (a protected species) are adequately protected and their habitat enhanced.

- 11 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.

- 12 Before first occupation of the dwellings, hereby permitted, the following shall be provided: -

- The car parking and turning facilities as shown on drawing numbers SHA.GAR.009 (Proposed Garage - Plot 1) and SHA.GAR.010 (Proposed Garage - Plot 2) received by the Local Authority on the 7th September 2016, and drawing number SHA.PSL.004 Revision C (Proposed Site Layout), received by the Local Authority on the 10th October 2016, which shall be surfaced in accordance with the details agreed under Condition 5 of this permission.

Once provided the above shall thereafter be so maintained.

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 and to enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users.

- 13 No. 1 The Crescent shall not be demolished, with no development commencing, until a programme of archaeological work, including a Written Scheme of Investigation and Historic Photographic Survey has been 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;
 - 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.

- 14 No.1 The Crescent shall not be demolished, and no development shall commence, other than in accordance with the Written Scheme of Investigation approved under Condition 13.

Reason - to ensure satisfactory archaeological investigation and recording.

- 15 None of the dwellings, hereby permitted, 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 13 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.

- 16 No development approved by this planning permission shall take place until such time as a surface water drainage scheme utilising flood preventative, resistance and resilience measures has first 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 (but is not limited to): -

- A surface water drainage strategy that restricts discharge rates to those no greater than currently generated by the existing dwelling unless it can be evidenced that existing dwelling, outbuildings and other impermeable areas are positively drained to a single outfall, where the proposed discharge rate shall be no greater than the combined discharge rate of any contributing positively drained areas.
- The use of permeable construction methods to all external surfaces. Attenuation storage should be considered and utilised where appropriate to assist in providing betterment over the existing discharge rate from the site.
- Further details in relation to the location and the construction of the garage on plot 2 must be provided, including an assessment of the flood risk.
- There shall be no raising of land levels within the development without a detailed assessment of the impact on surface water flow routes and appropriate compensation provided.

- No erection of walls, close boarded fencing or any other such obstructive barriers along the sites' frontage or boundary adjacent to the watercourse which could act as a channel for off-site flood routes.
- Details regarding the safe access and egress for both plots should be provided.

The development shall then be carried out in accordance with the approved scheme with any preventative measures once provided thereafter being so retained.

Reason - to prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site, and to provide suitable levels of flood protection.

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 and during the consideration of the application 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 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 a prosecution 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.
- 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 Please note for the use or reuse of sewer connections either direct or indirect to the public sewerage system the applicant will be required to make a formal application to the Company under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website (www.stwater.co.uk) or by contacting our New Connections Team (Tel: 0800 707 6600).
- 6 Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
- 7 The Written Scheme of Investigation (WSI) must be prepared by an archaeological

- contractor acceptable to the Local Planning Authority. To demonstrate that the implementation of the WSI has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
- 8 The applicant should contact the Historic and Natural Environment Team (HNET) to request the preparation of a formal Brief for the work. In response to the Brief the applicant should obtain a suitable WSI for the survey from an archaeological organisation acceptable to the planning authority. This should be submitted to HNET, as archaeological advisors to the District Council, for approval before the start of development.
- 9 The WSI should comply with the above mentioned Brief, with the Archaeologists "*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.
- 10 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.
- 11 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.
- 12 The LLFA would recommend that the SuDS designs refer to the new guidance (CIRIA C753), including where following aspects are detailed: treatment requirements and maintenance schedules for the surface water system.
- 13 Please note it is the responsibility of the LPA 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.