

Erection of three no. single storey detached dwellings and one no. two-storey dwelling and associated garaging

Report Item No
A7

191 Loughborough Road Whitwick Coalville Leicestershire

Application Reference
14/00219/FUL

Applicant:
Mr S Hall

Date Registered
3 March 2014

Case Officer:
Adam Mellor

Target Decision Date
28 April 2014

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application has been brought to the Planning Committee at the request of Councillor Woodward due to the site's location not being sustainable.

Proposal

The application seeks to obtain planning permission for the erection of three no. single storey detached dwellings and one no. two-storey detached dwelling and associated garaging on 0.325 hectares of land that currently forms part of the gardens and paddock land to No. 191 Loughborough Road, Whitwick. The application site is positioned to the north of Loughborough Road, to the west of its junction with Swannymote Road, and comprises land to the south and north-west of the dwelling at No. 191, as well as land to the north of the dwellings at Nos. 181 - 189 Loughborough Road. The existing property at No. 191 (which is within the applicant's ownership but not within the application site) is a two-storey dwelling set back from the highway by approximately 33.0 metres. The neighbouring dwellings at Nos. 181 - 189 comprise of two-storey detached and semi-detached dwellings that follow a building line much closer to the highway at approximately 10.0 metres.

Consultations

204 letters of representation have been received objecting to the application. All other statutory consultees have no objections subject to conditions on any consent.

Planning Policy

It is considered that the development would accord with all relevant policies of the North West Leicestershire Local Plan, the general principles of the National Planning Policy Framework (NPPF) as well as Circular 06/05 and relevant supplementary planning guidance.

Conclusion

The site is located within the limits to development where the principle of residential development would be acceptable and Whitwick would be considered a sustainable settlement for new development given that it would fall within the Coalville Urban Area. The loss of part of the residential garden to No. 191 would also not impact adversely on the streetscape or surrounding area given the amenity area retained and the fact that the land is not protected open space or countryside. On this basis the development would accord with Paragraphs 14, 49 and 53 of the NPPF. Although the density of the scheme would be below that recommended within current planning policy it is important to factor into any assessment good design, landscaping and association with other forms of development and as such it is considered that the density proposed would be acceptable and would accord with Policy H6 of the Local Plan.

The provision of single storey properties to the rear of those properties fronting onto Loughborough Road, and east of No. 169, would ensure that the development as a whole would not have a significantly detrimental overbearing, overshadowing or overlooking impact on the amenities of existing residents. An acceptable relationship with the existing property on the site (No. 191) would also be maintained and the units themselves would have an acceptable relationship with each other which would ensure compliance with Policy E3 of the Local Plan. The movement of vehicles on the internal access road would also not result in sufficient noise detriment to neighbouring properties, given the limited amount of vehicular movements which would be associated with the dwellings, and as such the development would not conflict with Paragraph 123 of the NPPF.

It is considered that the proposed dwellings would be read in conjunction with their relationship

with No. 191 and as such their floor areas would not be out of keeping with the surroundings with the single storey dwellings having a floor area not too dissimilar to No. 169 (a single storey dwelling). In the circumstances that built forms of development also exist which do not directly front onto Loughborough Road, as well as the fact that their single storey nature would ensure that they would be suitably screened by built forms fronting Loughborough Road, it is considered that the development would also not have a sufficiently detrimental impact on the character and appearance of the surrounding area or streetscape. In these circumstances the development would accord with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

The proposed access road into the site has been considered acceptable by the County Highways Authority and given that sufficient off-street parking would be provided it is considered that the scheme would accord with Policies T3 and T8 of the Local Plan.

No ecological species would be adversely affected which would ensure compliance with Paragraph 118 of the NPPF and Circular 06/05. The integrity of the protected trees would be retained and a landscaping scheme would be conditioned as part of any consent to ensure compliance with Policies E7, F1, F2 and F3 of the Local Plan. The drainage solution for the site would be agreed with Severn Trent Water and Building Regulations and any solution agreed would be on the basis that it would not exacerbate any localised flooding issues, as such the development would not conflict with Paragraph 103 of the NPPF. It is also anticipated that there would be no land contamination or land instability issues associated with the site which will ensure compliance with Paragraphs 120 and 121 of the NPPF. The development therefore accords with the planning policies stated above.

RECOMMENDATION - APPROVE 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 recommended conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Planning permission is sought for the erection of three no. single storey detached dwellings and one no. two-storey dwelling and associated garaging on 0.325 hectares of land that currently forms part of the gardens and paddock land to No. 191 Loughborough Road, Whitwick. The application site is positioned to the north of Loughborough Road, to the west of its junction with Swannymote Road, and comprises land to the south and north-west of the dwelling at No. 191, as well as land to the north of the dwellings at Nos. 181 - 189 Loughborough Road. The existing property at No. 191 (which is within the applicant's ownership but not within the application site) is a two-storey dwelling set back from the highway by approximately 33.0 metres. The neighbouring dwellings at Nos. 181 - 189 comprise of two-storey detached and semi-detached dwellings that follow a building line much closer to the highway at approximately 10.0 metres.

The site is located on the northern edge of the village of Whitwick. Loughborough Road comprises of a mix of detached and semi-detached two-storey dwellings on both sides of the road. The properties on the southern side of Loughborough Road do not extend as far east as those on the northern side, and opposite the application site to the south of Loughborough Road lies an area of open land defined in the North West Leicestershire Local Plan as being an area of particularly attractive countryside and outside limits to development. The application site is located within the defined limits to development with the northern boundary abutting the line of the defined limits. To the north of the site lies Cademan Wood, an area also defined on the Local Plan Proposals Map as an area of particularly attractive countryside.

The majority of the site currently comprises areas of open lawn and hard standing with minimal landscaping within the front amenity area to No. 191 (to the south of the dwelling) and open grassed paddock to the north-west of No. 191. Along the highway boundary (southern boundary) are a number of substantial trees of which three (Beech, Lime and Sycamore) are protected by Tree Preservation Order (TPO) 430. A new vehicular access to No. 191 would be constructed and a private access drive would be formed through the site to access the dwellings.

It is noted that the application is a revised scheme of an application refused by the planning committee on the 12th November 2013 (Ref: 12/01094/FUL), contrary to Officer recommendation, on the basis that it was considered contrary to Policies E3 and E4 of the North West Leicestershire Local Plan.

The scheme to be assessed as part of this application would consist of the following: -

Unit 1 would be situated to the east of No. 189 Loughborough Road, with a projection of 3.2 metres beyond this properties northern (rear) elevation, and would have a width of 10.79 metres by 6.29 metres and use of a pitched gable ended roof with an eaves height of 4.60 metres and overall height of 7.50 metres. A single storey projection would project 2.25 metres from the western (side) elevation of the dwelling with a length of 5.85 metres and use of a mono-pitched roof with an eaves height of 2.40 metres and overall height of 4.40 metres. It is indicated on the floor plans that the dwelling would provide an entrance hallway, washroom, utility room, sitting room, study, store, wood store and open plan kitchen/dining area at ground floor level and three bedrooms, dressing room, en-suite and family bathroom at first floor level for the occupants.

Unit 2 would be situated to the north-west of No. 191 and north of No. 189 and would have an overall width of 14.84 metres by 14.29 metres in length along the eastern (side) and 11.47 metres on the western (side) and use of a pitched gable ended roof with an eaves height of 2.50

metres and overall height of 5.90 metres. It is indicated on the floor plans that the dwelling would provide an entrance hallway, three bedrooms, washroom, en-suite, dining area, sitting room, utility room, pantry and breakfast kitchen area for the occupants.

Unit 3 would be situated to the north-west of No. 191 and to the north of Nos. 183, 185 and 189 and would have a width of 17.09 metres by 11.47 metres in length along the eastern (side) and 8.99 metres on the western (side) and use of a pitched gable ended roof with an eaves height of 2.95 metres and overall height of 6.05 metres. It is indicated on the floor plans that the dwelling would provide an entrance hallway, three bedrooms, three en-suites, a study, washroom, dining area, sitting room, utility room and breakfast/kitchen area for the occupants.

Unit 4 would be situated to the north-west of No. 191, north of No. 181 and north-east of No. 169 and would have an overall width of 17.09 metres by 14.95 metres in length and use of a pitched gable ended roof with an eaves height of 2.60 metres and overall height of 5.50 metres. It is indicated on the floor plans that the dwelling would provide an entrance hallway, three bedrooms, two en-suites, a bathroom, washroom, utility room, sitting room, dining area and breakfast/kitchen area for the occupants.

Units 2, 3 and 4 would also have detached garages which would have dimensions of 5.84 metres in length by 5.84 metres in width and use of pitched hipped roofs with eaves heights of 2.75 metres and overall heights of 5.90 metres.

An ecological scoping survey and tree report have been submitted in support of the application.

The planning history of the site is as follows

- 97/00354/FUL - Erection of ground and first floor extensions to dwelling - Approved 11th June 1997;
- 03/00276/FUL - Erection of a single storey rear extension and alterations - Approved 10th April 2003;
- 12/00292/FUL - Erection of four no. two-storey (with habitable accommodation in the roof space) dwellings and associated garaging - Withdrawn 16th July 2012.

2. Publicity

11 No neighbours have been notified (Date of last notification 10 March 2014).

Site Notice displayed 31 March 2014

3. Consultations

Whitwick Parish Council consulted 10 March 2014

County Highway Authority consulted 11 March 2014

Severn Trent Water Limited consulted 11 March 2014

Head of Environmental Protection consulted 11 March 2014

NWLDC Tree Officer consulted 11 March 2014

LCC ecology consulted 11 March 2014

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Leicestershire County Council - Ecology has no objections although requests that the supplementary report submitted in support of application reference 12/01094/FUL is provided.

Leicestershire County Council - Highways has no objections subject to the imposition of conditions on any planning consent.

NWLDC - Environmental Protection has no objections.

NWLDC - Tree Officer has no objections.

Severn Trent Water has no objections or comments to make on the application.

Whitwick Parish Council no representation received to date.

Third Party Representations

204 No. individual letters of objection have been received which are summarised as follows: -

- 194 No. letters across four different letter templates;
- 4 No. from the occupants of 169 Loughborough Road;
- 2 No. from the occupants of 181 Loughborough Road;
- 1 No. from the occupant of 183 Loughborough Road;
- 1 No. from the occupant of 185 Loughborough Road;
- 2 No. from the occupants of 189 Loughborough Road;

The objections raised are summarised as follows: -

- Development contravenes Policy H4/1, Paragraph 53 of the NPPF and borders areas of SSI and APAC;
- This is the least sustainable part of the village because of its proximity to services;
- There is a surface water drainage problem due to the rock and substrata elements of this land and due to the large masses of concrete, roads and paving involved in the development surface water should be piped into the mains drainage surface water disposal system;
- Refuse storage/collection has not been accommodated on the site;
- Single storey properties are still too high;
- Impact on surrounding countryside is unacceptable;
- Development will be overbearing and oppressive due to overdevelopment of the site;
- Elevated position of the site results in detriment to the visual amenities of the surrounding area;
- Development on the site will set a precedent for similar forms of development further along Loughborough Road;
- Foul sewerage disposal system for the site will require a pump so that it can be delivered uphill to the relevant sewer, this may result in noise detriment to amenities;
- There will be a loss of countryside in conflict with Paragraph 17 of the NPPF;
- Development will not contribute to any of the local amenities such as play areas, schools and the transport network but will impose on all of these;
- Hours of works will need to be restricted;
- Access arrangements are unsafe and cause highway safety issues to pedestrians and highway users;
- The design of the dwellings is out of keeping with the local area;
- Position of the dwellings in relation to neighbouring properties will cause overlooking implications;

- Relationship between Unit 1 and No. 191 Loughborough Road remains unacceptable and would cause overlooking impacts;
- Position of Unit 1 will result in pressures for the trees protected by a Tree Preservation Order (TPO) to be removed;
- A larger survey of the ground conditions needs to be submitted to ensure the dwellings can be constructed;
- Use of lights on dwellings will result in impacts on amenities as well as wildlife.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- approve development proposals that accord with statutory plans without delay; and
- grant permission where the plan is absent, silent or where relevant policies are out of date unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF (Para 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.

Paragraph 35 outlines that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport;

Paragraph 49 outlines that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites;

Paragraph 53 outlines local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area;

Paragraph 57 outlines that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes;

Paragraph 60 outlines that planning policies and decisions should not 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. It is, however, proper to seek to promote or reinforce local distinctiveness;

Paragraph 61 outlines that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment;

Paragraph 103 indicates that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere;

Paragraph 118 outlines that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying particular principles;

Paragraph 120 outlines that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account. Where a site is affected by contamination or land instability issues, responsibility for securing safe development rests with the developer and/or landowner;

Paragraph 121 outlines that planning policies and decisions should also ensure that, amongst other things:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;

Paragraph 123 outlines that planning policies and decisions should aim to avoid noise from giving rise too significant adverse impacts on health and quality of life as a result of new development;

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

North West Leicestershire Local Plan

Policy S2 of the Local Plan provides that development will be permitted on allocated sites and other land within the Limits to Development, identified on the Proposals Map, where it complies with the policies of the Local Plan;

Policy E2 seeks to ensure that development provides for satisfactory landscaped amenity open space and secures the retention of important natural features, such as trees;

Policy E3 seeks to prevent development which would be significantly detrimental to the amenities enjoyed by the occupiers of nearby dwellings;

Policy E4 seeks to achieve good design in new development and requires new development to

respect the character of its surroundings;

Policy E7 seeks to provide appropriate landscaping in association with new development including, where appropriate, retention of existing features such as trees or hedgerows;

Policy F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting;

Policy F2 states that the Council will have regard to the existing landscape character of the site and the type of development when seeking new planting;

Policy F3 seeks to secure implementation of agreed landscaping and planting schemes for new development by the imposition of planning conditions and/or the negotiation of a planning agreement;

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements;

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria;

Policy H4/1 sets out a sequential approach to the release of land for residential development, and seeks to direct new housing towards previously developed land in accessible locations, well served by, amongst others, public transport and services;

Policy H6 seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account housing mix, accessibility to centres, design etc. Within Coalville and Ashby-de-la-Zouch town centres, local centres and other locations well served by public transport and accessible to services a minimum of 40 dwellings per ha will be sought and a minimum of 30 dwellings per ha elsewhere (in respect of sites of 0.3 ha or above).

Policy H7 seeks good quality design in all new housing development;

Other Guidance

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;

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.

6. Assessment

Principle and Sustainability

The 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 North West Leicestershire Local Plan and other material considerations.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted, which reflects the urban concentration and sustainability objectives underpinning national policies. These are outlined as criteria (a) to (f) and the application site would fall within criterion (c) allocated and other appropriate land within Coalville. The second section of the policy goes on to outline a set of criteria relating to the sustainability of the location.

However, policy H4/1 represents a policy relating to the supply of housing and, as such, its relevance also needs to be considered in the context of Paragraph 49 of the NPPF which states that Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. As the Council cannot at the current time demonstrate a five year supply of deliverable housing sites it could not rely on Policy H4/1 as a reason for refusal. Regardless of this issue the sustainability credentials of the scheme would still need to be assessed against the NPPF.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF. Whilst the site is situated on the periphery of the limits to development the distance of the dwellings to the services and facilities within the Whitwick Local Centre is considered to be acceptable and as such would not preclude the use of other forms of transport in order to access these services. The proposal for the erection of four new residential dwellings is, therefore, considered to score well against the sustainability advice in the NPPF.

As part of the land constitutes residential garden associated with No. 191, Paragraph 53 of the NPPF would be of relevance which outlines that inappropriate development of residential gardens should be resisted where there is the potential that development would cause harm to the local area. The implications of the development to the character and appearance of the streetscape and surrounding area (as discussed in more detail below) would not be sufficiently detrimental to justify a refusal of the proposal given the fact that the development would be to the rear of the properties fronting onto Loughborough Road (Nos. 181, 183, 185, 189). A sufficient amenity area to the existing property would also be retained and as the dwelling is not protected, nor is the land protected open space or countryside it is considered that the principle of the development would not conflict with the aims of Paragraph 53.

Density

Policy H6 of the North West Leicestershire Local Plan seeks to permit housing development which is of a type and design to achieve as high a net density as possible taking into account factors such as housing mix, accessibility to centres and design. Policy H6 of the North West Leicestershire Local Plan also requires a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services and a minimum of 30 dwellings per hectare elsewhere.

With a site area of 0.33 hectares, the proposal would have a density of 12.12 dwellings per hectare. Whilst the density would fall below that advised in Policy H6 this policy also identifies that it is important to factor into any assessment the principles of good design as well as green space and landscaping requirements. In the circumstances that the Local Authority values good design in its approach to residential development and there would be a need to incorporate a strong landscaping scheme, given the site's setting within the National Forest, it is considered that the density proposed would represent an efficient use of the land. In these circumstances

the proposal would not substantially conflict with the principles of Policy H6 of the Local Plan as to warrant a refusal of the planning permission.

Residential Amenity

It is considered that the properties most immediately affected by the proposed development would be Nos. 181, 183, 185 and 189 Loughborough Road, two storey detached and semi-detached dwellings, situated to the south of the site and No. 169 Loughborough Road, a single storey detached dwelling, situated to the south-west of the site.

One of the reasons for the refusal of application reference 12/01094/FUL was based around Policy E3 of the Local Plan with the specific reason being as follows: -

"The proposal by virtue of its inappropriate scale and relationship with neighbouring properties would result in a development form which would have an adverse overbearing and overlooking impact on the existing amenities of neighbouring residents and as such to permit the proposal would be contrary to Policy E3 of the North West Leicestershire Local Plan."

It is noted that application reference 12/01094/FUL proposed one two-storey detached property and three one and half storey properties which had eaves heights between **3.9 metres** and **4.6 metres** and overall heights between **7.5 metres** and **7.9 metres**. This application proposes that one two-storey property would be provided along with three single storey properties which would have eaves heights between **2.5 metres** and **4.6 metres** and overall heights between **5.5 metres** and **7.5 metres**, the highest figures relating to the two-storey property.

With regards to the ridge heights it is noted on the submitted plans that No. 191 Loughborough Road has a ridge level of **179.03**, with the ridge level of No. 189 being **176.61**, No. 185 being **176.85**, No. 183 being **176.85**, No. 181 being **173.07** and No. 169 being **173.00**. The proposed dwellings would have ridge heights of **176.65 (Unit 1)**, **174.92 (Unit 2)**, **174.50 (Unit 3)** and **173.05 (Unit 4)**. The land rises upwards from west to east so the ridge levels rising from Plot 4 to Plot 1 would be in keeping with the topography of the land with it being noted that the ridge levels of Plots 2 to 4 would be over 4.0 metres lower than No. 191.

With regards to the distances between Units 2, 3 and 4 and the properties to the immediate south these would be as follows: -

- Front to rear elevation between Unit 2 and No. 189 Loughborough Road would be **26.8 metres** with Unit 2 being set **13.0 metres** from the northern (rear) boundary of No. 189;
- Front to rear elevation between Unit 3 and No. 185 Loughborough Road would be **27.8 metres** with Unit 3 being set **8.2 metres** from the northern (rear) boundary of No. 185;
- Front to rear elevation between Unit 3 and No. 183 Loughborough Road would be **33.6 metres** with Unit 3 being set **9.4 metres** from the northern (rear) boundary of No. 183;
- Side to rear elevation between Unit 4 and No.181 Loughborough Road would be **28.2 metres** with Unit 4 being set **6.0 metres** from the northern (rear) boundary of No. 181;
- Detached Garage to Unit 4 and rear elevation of No.181 Loughborough Road would be **24.8 metres** with the detached garage being set **0.6 metres** from the northern (rear) boundary of No. 181;

Unit 1 would be set **1.2 metres** from the eastern (side) boundary of No. 189 Loughborough Road and Unit 4 would be set **16.0 metres** from the north-eastern corner of No. 169 Loughborough Road with the detached garage being set **6.4 metres** from the same corner of No. 169. The detached garage serving Unit 2 would be set **15.4 metres** from the north-western corner of No. 189 Loughborough Road and **0.6 metres** from the northern (rear) boundary with a

distance of **12.0 metres** to the north-eastern corner of No. 185 Loughborough Road and **0.5 metres** to the eastern (side) boundary.

The District Council's Development Guidelines, which are now out-dated due to the forms of development which can now be constructed without planning permission, specifies that the distance between a principal window of a habitable room and the blank wall of an adjacent dwelling should be no less than 11.0 metres (in the case of a two-storey property and single storey property), that a rear elevation to rear elevation distance (or front elevation to rear elevation distance) should be no less than 22.0 metres with the distance between the rear/front elevation of a property and the rear boundary of an adjacent property being 11.0 metres. Although the Development Guidelines may be out-dated in many respects separation distances are still considered to be of relevance and conform to an accepted national standard.

Although accepting that the land levels rise from the rear elevations of those properties on Loughborough Road to the site, with No. 169 being set at a lower land level than the majority of properties, the fact that Units 2, 3 and 4 would be single storey dwellings with ridge levels below those properties on Loughborough Road directly to the south of the site would reduce their visual massing with the majority of the Plots having roofs which would slope away from the shared boundaries. In the circumstances that the distances achieved between Plots 2, 3 and 4 and the properties most immediately affected would be well in excess of those contained in the Council's Development Guidelines, even taking into account the differences in land levels, it is considered that a reason for refusal on the basis of a significantly detrimental overbearing or overshadowing impact could not be sustained in this instance given that the proposed relationships exist on numerous sites throughout the District. In terms of the distance between Units 3 and 4 and the rear boundaries of Nos. 181, 183 and 185 it is noted that they would be below the recommended 11.0 metres however as the dwellings are single storey the establishment of a boundary treatment, or landscaping, along the boundary would negate any significant overlooking impacts.

Unit 1 would project 3.2 metres beyond the two-storey part of the northern (rear) elevation of No. 189, 1.4 metre beyond an existing single storey rear extension, with the western (side) elevation of the single storey side extension being set 1.2 metres from the boundary and the main two-storey western (side) elevation being set 3.4 metres from the boundary. Given the overall projection of Unit 1 beyond the rear elevation of No. 189, as well as the distance of the two-storey element from the boundary, it is considered that it would not have a significantly detrimental overbearing or overshadowing impact on the occupant's amenities. Any views established from the first floor windows of Unit 1 would also be directed to the latter parts of the rear amenity area to No. 189 and as such there would not be a significant overlooking impact.

Unit 4 would be set 9.6 metres from the eastern (side) boundary of No. 169 and given the single storey nature of the property it is considered that there would be no adverse overlooking implications particularly given the amount of amenity space available to No. 169. Although No. 169 lies at a lower land level it is considered that the amendments made to the detached garage, in order to incorporate a hipped roof, would reduce the overbearing impacts on the occupant's amenities given that it would not be directly visible in views established from the property as well as the fact that No.169 benefits from a substantial rear amenity area.

With regards to the detached garage to Unit 2 it is considered that this would not impact adversely on the amenities of Nos. 185 and 189 Loughborough Road given that it would not be substantially dominate along the boundaries of these properties and the use of a hipped roof assists in reducing its visual massing. The structure would also be largely screened from No. 185 by the presence of a detached outbuilding.

Concerns have been expressed about the potential noise generated by vehicles utilising the access road, however, it is considered that the level of traffic generated by the occupants of Plots 2, 3 and 4 would not be significant and would not be too dissimilar to having a development on a corner site with a road running close to the dwelling and its rear garden, which was considered in an appeal to be an acceptable yardstick for an acceptable standard (Appeal Ref: APP/G2435/A/08/2065885/WF). It is considered that the level of noise generated by the three properties would not be sufficiently detrimental to the neighbouring amenities, particularly given the above appeal decision, and in the circumstances that a suitable landscaping and boundary treatment scheme could be agreed, which could include acoustic fencing, it is considered that this would further mitigate the impacts. A condition would also be imposed to ensure that any external lighting proposed for the road and parking areas for the dwellings would be agreed with the Local Planning Authority and any boundary treatments agreed would also prevent any significant overlooking implications from users of the proposed pavement.

With regards to the impacts on any future occupants of the residential properties it is considered that although the dwellings on Loughborough Road would be to the south of Units 2, 3 and 4 they would be situated a sufficient distance from the elevations of these dwellings to ensure that there is no adverse overbearing and overshadowing impacts. Given the aforementioned distances there would also be no adverse overlooking implications on these Units. In terms of Unit 1 it is considered that as this property would be set slightly further back than the rear elevation of No. 189 Loughborough Road there would be no adverse overlooking implications and the orientation of the dwelling to this property would also ensure there would not be any significantly detrimental overbearing or overshadowing impacts. No. 191 would be set 12.8 metres to the north-east of the rear elevation of Unit 1 and this distance, as well as the fact that it would not be directly behind the dwelling, would ensure that there would be no adverse overbearing or overshadowing impacts. Although a bay window exists on the front elevation of No. 191 at first floor level, within close proximity to the boundary with Unit 1, the rear amenity area has been designed so that there would be no direct overlooking impacts given that any view would be at an oblique angle, or directed towards the latter part of the rear amenity area should a view be established from the window in the western side of the bay window. In any case should this relationship be deemed inappropriate a condition could be imposed to ensure that the first floor bay window was obscured glazed and had a restricted opening given that it is within the applicant's control.

Units 1 and 3 would also not impact significantly on the amenities of No. 191 Loughborough Road given the position of these dwellings in relation to the existing dwelling as well as the position of habitable room windows not creating any overlooking implications.

The actual relationships between the Units would also be acceptable with a distance of 12.8 metres being maintained between the eastern (front) elevation of Plot 4 and the western (side) elevation of Unit 3 to ensure there would not be an adverse overlooking impact.

It is considered that a condition could be imposed on any consent to ensure that a bin store is provided near to the vehicular access of the site to ensure that bins/recycling containers are not distributed in the highway on collection days.

In terms of the objections raised over construction noise it is considered that this is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance as Environmental Health has

raised no issues to the development in this regard, it is considered that the imposition of an hours condition would be unreasonable.

Overall the development would not significantly conflict with the principles of Policy E3 of the Local Plan.

Design

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and H7 but also Paragraphs 57, 60 and 61 of the NPPF with Paragraph 61 outlining that although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment. The site is also located within the National Forest and as such Policy F1 of the Local Plan would also be of relevance.

The second reason for the refusal of the previous application reference 12/01094/FUL was as follows: -

"The proposal, by virtue of its inappropriate scale, design and layout of the dwellings and their positioning in respect of existing properties along the frontage of Loughborough Road, would result in a development form which would be out of keeping with the character and appearance of the surrounding environment and which would be visually incongruous when observed from public vantage points. Therefore, to permit the proposal would be contrary to Policy E4 of the North West Leicestershire Local Plan."

The application site is sloped with the land along the western boundary being lower than that along the eastern boundary by around 2.2 metres. Residential properties within the immediate vicinity of the site predominately front onto Loughborough Road with the two exceptions being Nos. 169 and 191 Loughborough Road and the dwellings generally consist of detached or semi-detached types. Nos. 183 and 185 Loughborough Road also exhibit high quality in their architectural design including the use of eaves detailing, painted stone headers, mid-course details and chimneys and the majority of properties are set back from the highway to allow off-street parking to be provided to the frontage.

Views of the development site would be established from the entrance to the site off Loughborough Road, although the protected trees and additional landscaping would be provided on either side of the access road, and public footpath O27 runs through Cademan Wood (to the north of the site) as well as between Nos. 121 and 127 Loughborough Road which lies 139.0 metres to the west of the site. Unit 1 reflects the design of the dwelling previously proposed under application reference 12/01094/FUL, which was altered due to the relationship with protected trees, and as such has a 'dual frontage' which would enhance its appearance when viewed from the site entrance and access road. The provision of a stone boundary wall along the site frontage and its continuation around the perimeter of Unit 1 would also respect the character of the surrounding area. Whilst the termination of a vista within the site would be of the detached garage to Unit 4 it is considered that the property itself would still be visible in any view established from the access road and in the circumstances that the position of the dwelling would be compromised by the relationship with neighbouring properties it is considered that this arrangement would be acceptable in this instance and would not compromise the scheme as a whole. The implications of the development on the enjoyment of people utilising public footpath O27 would also not be sufficiently detrimental given that any view established from the north would be of the dwellings fronting Loughborough Road and No. 191 and its

associated structures and as such this view would not be substantially altered by the provision of the proposed dwellings and the dwellings themselves would not restrict views onto significant features beyond the site when viewed from the west.

Although the dwellings themselves would not reflect the current building line of properties which, in the majority, front onto Loughborough Road it is considered that built forms of development exist behind these properties, such as Nos. 169 and 191 (and its associated outbuildings) Loughborough Road and the structures to the rear of No. 149 Loughborough Road, and in these circumstances it is considered that the provision of Units 2, 3 and 4 would not have a significantly detrimental impact on the character of the area to warrant a refusal of the application.

In terms of the implications of the development on the appearance of the surrounding area and streetscape it is considered that substantial woodland exists to the north and west of the site, which would restrict views from these areas. Units 2, 3 and 4 would now be single storey properties which would have ridge heights lower than those of the properties fronting onto Loughborough Road, with the exception of No. 169, and as such they would not be substantially prominent on the landscape. Some views of Unit 4 will be established from the street, due to the gap between Nos. 169 and 181, however the overall height of the dwelling and the detailing of the southern (side) elevation would ensure that it would not have a significantly detrimental impact on the streetscape or surrounding area to justify a refusal of the application.

The design of the properties themselves are considered to be acceptable and would include chimneys, eaves and verge detailing and use of headers, which would be in keeping with the positive characteristics of dwellings within the vicinity of the site, as well as timber porches, windows and doors to reinforce the National Forest identity of the dwellings. Although the dwellings would have a larger footprint than those dwellings fronting Loughborough Road it is considered that the dwellings on the site would be read in conjunction with their relationship with No. 191 Loughborough Road, which is larger than those properties on the frontage. The provision of single storey properties has also increased the footprint of Units 2, 3 and 4 but given the overall footprint of No. 169 (a single storey property) it is considered that the scale of the dwellings would be acceptable and would not impact significantly on the overall character and appearance of the area. The access road has also been amended to ensure that it would not be of an 'over-engineered' design which has enhanced the aesthetics of this element of this scheme.

Although the materials to be used in the construction of the dwellings have been partially specified in the application forms not all the materials have been noted and as such it is considered that it would be appropriate to condition any planning consent to ensure that samples of the materials to be used are submitted for approval to ensure that appropriate materials are utilised.

Overall the layout, design and scale of the dwellings are considered to be appropriate and would ensure that the development accords with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

Highway Safety

The County Highways Authority has raised no objections to the proposal subject to appropriate conditions on any grant of planning permission. It is considered that the new vehicular access to serve the site would improve the visibility achieved when looking in an eastern direction (towards the Swannymote Road junction) and sufficient space would exist at the entrance to the site to ensure that vehicles could pull clear of the highway whilst awaiting for another vehicle to

exit.

Areas have been provided within the site to allow for vehicles to manoeuvre so that they would exit in a forward direction and sufficient off-street parking would also be provided for each dwelling. Overall, therefore, the development would accord with the principles of Policies T3 and T8 of the Local Plan.

Ecology

The County Ecologist has raised no objections to the development on the basis of the findings of the ecological information provided in support of application reference 12/01094/FUL. The surveys concluded that the site is of low ecological value and primarily consisted of species poor grassland, formal lawned areas, a vegetable garden and a few semi mature orchard trees which do not offer roosting opportunities. It is also concluded that the topography of the site would ensure that the Grace Dieu and High Sharpley Site of Special Scientific Interest (SSSI) would not be adversely affected by run-off of excess waters or additional pollutants. On the basis of these findings no mitigation measures would be required. In the circumstances that protected species would not be adversely affected by the proposals it would ensure compliance with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping and Impact on Trees

Three trees along the southern boundary of the site are protected by Tree Preservation Order (TPO) 430. The layout and scale of Unit 1 is the same as that previously considered acceptable under application reference 12/01094/FUL and as a result of this the Council's Tree Officer has no objections to the scheme given that the dwelling would be set a sufficient distance from the tree stems of the protected trees.

Paragraph 5.11 (1) (ii) of Tree Preservation Orders - A Guide to the Law and Good Practice outlines, amongst other things, that *"layouts may require careful adjustment to prevent trees from causing unreasonable inconvenience, leading inevitably to requests for consents to fell."* Further to this BS 5837:2012 ('Trees in Relation to Design, Demolition and Construction - Recommendations'), which has replaced BS 5837:2005 (Trees in Relation to Construction), indicates that *"layouts sited poorly in relation to retained trees, or the retention of trees of an inappropriate size or species may be resented by future occupiers and no amount of legal protection will ensure their retention or survival."* Although the retained trees are significant in stature, and are located to the south of Plot 1, it is considered that the distance achieved would be satisfactory in ensuring that the occupants amenities would not be adversely affected given that only one first floor habitable room window would face in the direction of the trees, which would also be served by a roof light. This relationship would therefore ensure that there would not be pressure on the trees to be removed.

Given that the trees would be retained and a condition could be imposed to request that a landscaping scheme be agreed it is considered that the development would accord with Policies E7, F1, F2 and F3 of the Local Plan.

Other Matters

It is noted that the application site and the properties within the vicinity of the site do not fall within a Flood Zone. In terms of the representations received relating to drainage issues associated with surface water run-off it is considered that the details of drainage would be dealt with under separate legislation (Building Regulations and Severn Trent Water) and as such any issues relating to how surface water run-off would be managed would be addressed at that time. In the circumstances that the site is not within a Flood Zone it is anticipated that any surface water run-off solution would not further exacerbate any localised flooding issue. As such the

development would not conflict with Paragraph 103 of the NPPF.

The Council's Environmental Protection team have raised no objections to the development with regards to ground contamination or land instability and given that the site does not fall within the Coal Mining Referral Area it is considered that the proposals would not lead to land instability issues to neighbouring properties which would ensure compliance with Paragraphs 120 and 121 of the NPPF. Should any future issue arise with regards to land stability then this would be a civil matter between the residential properties affected and the developers of the site.

There is no evidence to suggest that the 'blasting' of granite rock would be required to form the drainage channels and in any case this method of construction would be covered by separate legislation and would not form a material planning consideration. The implications of the development on property values and the right to a view are also not material considerations which can be taken into account in the determination of this application.

Planning applications are assessed on their own merits and as such the potential that a precedent could be set for similar developments within the surrounding area should the application be approved would not constitute a material consideration in the determination of this particular application.

Summary Reasons for Granting Planning Permission

The site is located within the limits to development where the principle of residential development would be acceptable and Whitwick would be considered a sustainable settlement for new development given that it would fall within the Coalville Urban Area. The loss of part of the residential garden to No. 191 would also not impact adversely on the streetscape or surrounding area given the amenity area retained and the fact that the land is not protected open space or countryside. On this basis the development would accord with Paragraphs 14, 49 and 53 of the NPPF. Although the density of the scheme would be below that recommended within current planning policy it is important to factor into any assessment good design, landscaping and association with other forms of development and as such it is considered that the density proposed would be acceptable and would accord with Policy H6 of the Local Plan.

The provision of single storey properties to the rear of those properties fronting onto Loughborough Road, and east of No. 169, would ensure that the development as a whole would not have a significantly detrimental overbearing, overshadowing or overlooking impact on the amenities of existing residents. An acceptable relationship with the existing property on the site (No. 191) would also be maintained and the units themselves would have an acceptable relationship with each other which would ensure compliance with Policy E3 of the Local Plan. The movement of vehicles on the internal access road would also not result in sufficient noise detriment to neighbouring properties, given the limited amount of vehicular movements which would be associated with the dwellings, and as such the development would not conflict with Paragraph 123 of the NPPF.

It is considered that the proposed dwellings would be read in conjunction with their relationship with No. 191 and as such their floor areas would not be out of keeping with the surroundings with the single storey dwellings having a floor area not too dissimilar to No. 169 (a single storey dwelling). In the circumstances that built forms of development also exist which do not directly front onto Loughborough Road, as well as the fact that their single storey nature would ensure that they would be suitably screened by built forms fronting Loughborough Road, it is considered that the development would also not have a sufficiently detrimental impact on the character and appearance of the surrounding area or streetscape. In these circumstances the development would accord with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and

H7 of the Local Plan.

The proposed access road into the site has been considered acceptable by the County Highways Authority and given that sufficient off-street parking would be provided it is considered that the scheme would accord with Policies T3 and T8 of the Local Plan.

No ecological species would be adversely affected which would ensure compliance with Paragraph 118 of the NPPF and Circular 06/05. The integrity of the protected trees would be retained and a landscaping scheme would be conditioned as part of any consent to ensure compliance with Policies E7, F1, F2 and F3 of the Local Plan. The drainage solution for the site would be agreed with Severn Trent Water and Building Regulations and any solution agreed would be on the basis that it would not exacerbate any localised flooding issues, as such the development would not conflict with Paragraph 103 of the NPPF. It is also anticipated that there would be no land contamination or land instability issues associated with the site which will ensure compliance with Paragraphs 120 and 121 of the NPPF. The development therefore accords with the planning policies stated above.

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 This development shall be implemented in accordance with drawing numbers HMD/PD/0289/01; HMD/PD/0289/02; HMD/PD/0289/03; HMD/PD/0289/04; HMD/PD/0289/05 and the drawing titled 'Detached Double Garage (1:100),' received by the Local Authority on the 3rd March 2014, 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, no development shall commence until a schedule of external materials and brick bonds to be used in the new dwellings and external finishes to the window and door units have been submitted to and approved in writing by the Local Planning Authority. 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 No development shall commence on site until the positioning and treatment of utility boxes and details of rainwater goods including external finishes have been submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details which shall thereafter be so retained.

Reason - in the interests of neighbouring amenities and the visual amenities of the locality.

- 5 Notwithstanding the details shown on the approved plans, no development shall

commence on site until detailed drawings of the chimney stacks and eaves/verge detailing to the properties have been submitted to and agreed in writing by the Local Planning Authority. The works 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 as no precise details have been submitted.

- 6 Notwithstanding the details shown on the approved plans before first occupation/use of the dwellings, hereby approved, a scheme of soft and hard landscaping (including for retention of existing trees and hedgerows) and boundary treatment scheme for the site (with the detailed design, height and brick bond for the boundary walls to a scale of 1:10 being provided, and including retaining walls), 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/use of the dwelling(s) unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The approved hard landscaping and boundary treatment schemes shall be provided in full prior to the occupation of any of the dwellings 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 and in the interests of visual amenity given the site's location in the National Forest.

- 7 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.

- 8 No development shall commence on site until details of the location and design of a bin collection area have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed scheme which shall thereafter be so retained.

Reason - to ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity and highway safety.

- 9 No external lighting shall be installed to the access road or the driveways and parking and turning areas of the new dwellings unless details of the position, height and type of lights have first been submitted to and agreed in writing by the Local Planning Authority. The external lighting shall be installed and operated in accordance with the agreed scheme.

Reason - in the interests of residential amenities.

- 10 Notwithstanding the provisions of Classes A, B, C and E of Part 1 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) the new dwellings, and the detached garages serving Plot 2 and 4, 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 new dwellings unless planning permission has first been granted by the Local Planning Authority.

Reason - To enable the Local Planning Authority to retain control over future development in view of the site's location and relationship with residential properties.

- 11 Before first occupation of any dwelling on the site the following shall be provided: -
- A drainage scheme within the site such that surface water does not drain into the public highway;
 - 1.0 metre by 1.0 metre pedestrian visibility splays to be provided on both sides of the access;
 - Visibility splays of 2.4 metres by 54.0 metres to the right hand side and by 85.0 metres to the left hand side at the junction of the access with Loughborough Road which shall be in accordance with the standards contained in the current County Council design guide;
 - The access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5.0 metres behind the highway boundary and shall be so maintained at all times;
 - Any shared private drives serving no more than a total of 5 dwellings shall be a minimum of 4.25 metres wide for at least the first 5 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6CsDG at its junction with the adopted road carriageway. NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it so bounded on both sides, additional 0.5 metre strips will be required on both sides;
- Once provided the measures shall thereafter be so retained in perpetuity with nothing being allowed to grow above a height of 0.6 metres above ground level within the pedestrian and visibility splays.

Reasons - to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users; in the interests of pedestrian safety; to afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety; to reduce the possibility of deleterious material being deposited in the highway causing dangers to highway users; to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.

- 12 Off-street car parking and turning facilities shall be provided within the application site in accordance with the details shown on drawing number HMD/PD/0289/01, received by the Local Authority on the 3rd March 2014. The parking and turning areas shall be surfaced and marked out prior to the development being first brought into use, and shall thereafter be so maintained at all times.

Reason - 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 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 10 metres behind the highway

boundary and shall be hung so as the open inwards only.

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

- 14 The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.

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

- 15 The existing vehicular access to No. 191 that becomes redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority within one month of the new access being brought into use.

Reason - to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

- 16 No development shall commence on site until protective fencing for the trees protected by Tree Preservation Order (TPO) 430 has been provided in accordance with the details specified on drawing number HMD/PD/0289/01, received by the Local Authority on the 3rd March 2014. The protective fencing shall be kept in place until all works relating to the development proposals are complete.

Reason - in the interest of health and safety and the amenity value of the trees protected by Tree Preservation Order 430.

- 17 There shall be no storage of materials, plant, skips, equipment and/or other items associated with the development hereby approved, mixing of materials, vehicular movements or fires or other ancillary works associated within any of the areas bounded by the protective fencing.

Reason - in the interests of health and safety and the amenity value of the trees protected by Tree Preservation Order 430.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. 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 2010 (as amended).
- 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 the access shall be carried out to the satisfaction of the Highways Manager - (telephone 0116 3050001).
- 4 Please be aware that Leicestershire County Council as Lead Local Flood Authority (LLFA) are currently not a statutory consultee to the planning process for drainage

matters. When Schedule 3 of the Flood and Water Management Act 2010 is implemented Leicestershire County Council will become the SuDs Approval Body (SAB) and also a statutory consultee of the planning process. You will need to contact Leicestershire County Council if you have an aspiration for us to adopt any SuDs features associated with the development. Please email roadadoptions@leics.gov.uk if you wish to discuss further.

- 5 The proposal is situated in excess of 45.0 metres from the highway. In order to cater for emergency vehicles the drive and turning areas shall be constructed so as to cater for a commercial or service vehicle in accordance with British Standard B.S.5906, 2005 and Building Regulations Approved Document B, Fire Safety 2006.
- 6 This planning permission does NOT allow the applicant to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Adoptions team (for 'major' accesses) or the Highways Manager. For further information, including contact details, you are advised to visit the County Council website as follows: -
For 'major' accesses - see Part 6 of the "6Cs Design Guide (Htd) at www.leics.gov.uk/Htd.
For minor, domestic accesses, contact the Service Centre Tel: 0116 3050001.
- 7 The highway boundary is the wall fronting the premises and not the edge of the carriageway/road.
- 8 The proposed roads do not conform to an acceptable standard for adoption and therefore they will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 3057198.
- 9 Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Highway Authority.
- 10 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place. It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or

at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.decc.gov.uk.