

Residential development including retention of existing dwelling and erection of seven new dwellings including access and parking arrangements

Report Item No  
A2

81 & 81A North Street Whitwick Coalville Leicestershire LE67 5HB

Application Reference  
17/01593/FUL

Applicant:  
Greystones Ltd

Date Registered:  
25 October 2017

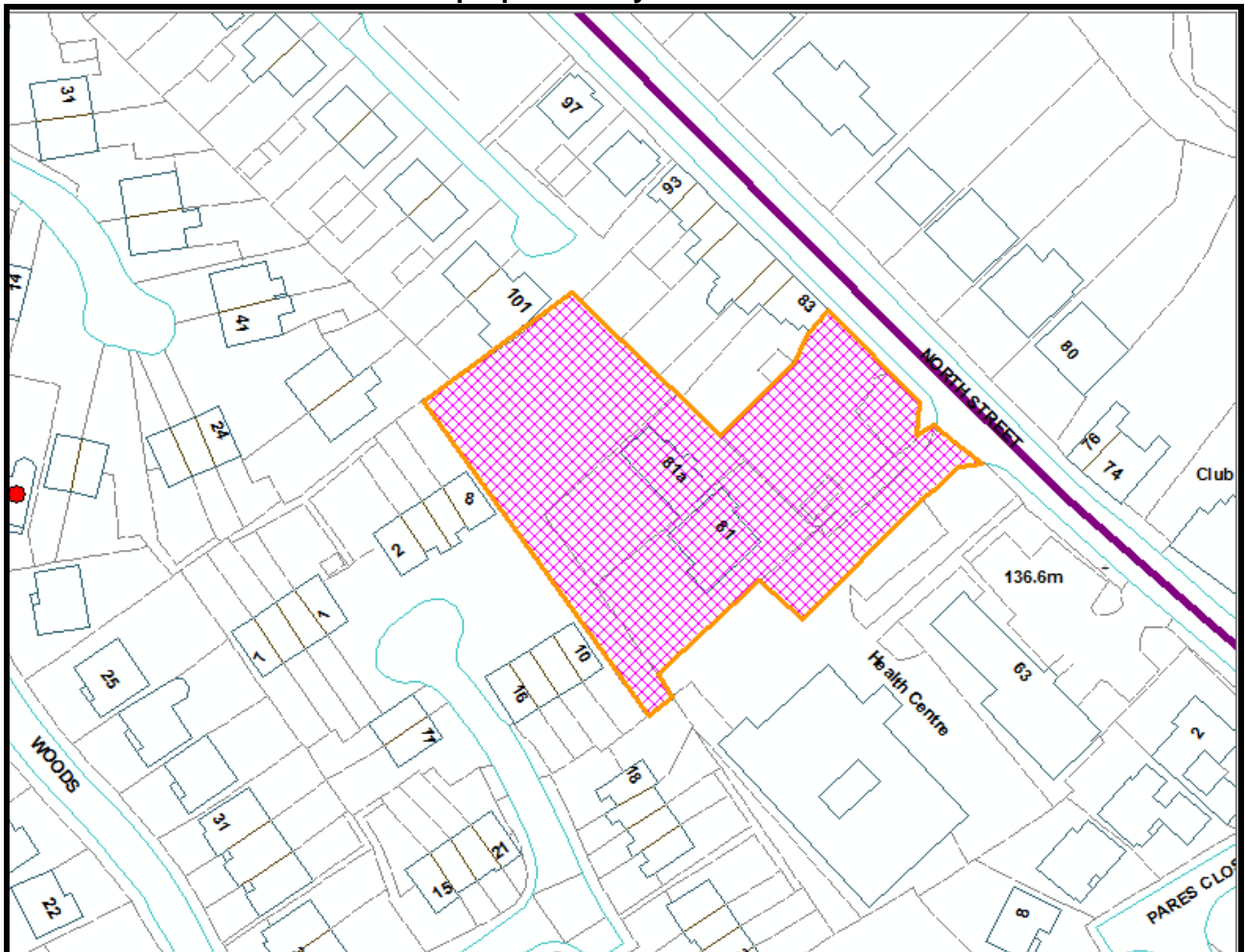
Case Officer:  
Hannah Exley

Consultation Expiry:  
13 March 2018

Recommendation:  
PERMIT

8 Week Date:  
20 December 2017  
Extension of Time:  
7 February 2018

Site Location - Plan for indicative purposes only



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## **Executive Summary of Proposals and Recommendation**

### **Call In**

This has been brought to the Planning Committee due to the level of public interest in relation to issues around highway safety, character of the area and impact on the amenities of neighbours.

### **Proposal**

This is a full application for the erection of seven new dwellings on land that is currently occupied by an area of overgrown land to the north-east and north-west of No.81 and 81a North Street. Means of access to the site would be via an existing vehicular access off North Street which is shared by Whitwick Health Centre.

### **Consultations**

A total of 11 letters of representation have been received raising objection to the proposals. Whitwick Parish Council raise objection and all statutory consultees have raised no objections.

### **Planning Policy**

The site is located within the Limits to Development on the Policy Map to the adopted Local Plan.

### **Conclusion**

The principle of residential development on the site has already been established by an extant planning permission and therefore, the key issues are:

- the impact of the proposal on highway safety;
- the impact of the proposal on neighbouring residential amenities;
- how the development would fit in with the design and character of existing development in the area.

The report below looks at these details, and Officers conclude that the details are satisfactory. The detailed scheme meets the requirements of relevant NWLDC policies, including the Good Design for North West Leicestershire SPD.

### **RECOMMENDATION:-**

#### **PERMIT SUBJECT TO THE IMPOSITION OF CONDITIONS**

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

## MAIN REPORT

### 1. Proposals and Background

Approval is sought for the erection of seven new dwellings on 0.24 of a hectare of land that is currently occupied by an area of overgrown land to the north-east and north-west of No.81 and 81a North Street. The proposals comprise a terraced row of three two-storey dwellings fronting North Street with parking to the rear and four detached two-storey dwellings set back within the site to the north west of No.81a North Street with parking to the front and side of these properties. Means of access to the site would be via an existing vehicular access off North Street which is shared by the Whitwick Health Centre which abuts the south eastern boundary of the site. A new shared access drive is proposed within the site from the Whitwick Health Centre car park into the site to serve the new and existing dwellings.

The application also includes new landscaping and boundary treatments to the existing dwellings (No.81/81a North Street, Whitwick) which are to be retained as existing as part of the proposals. A new garage is also proposed to the rear of No.81 North Street, Whitwick. There is a general drop in land levels across the site in north easterly and south easterly directions.

The application has been amended since the original submission which showed 9 new dwellings including the demolition of No.81a North Street. During the course of the application, the agent has provided additional information concerning the materials and finishes to be used for dwellings, boundaries and hard landscaping and landscaping to avoid the need for conditions should permission be granted.

The application was accompanied by the following supporting information:- a Preliminary Ecological Appraisal and Bat Emergence Survey.

#### **Other relevant planning history found:**

16/00829/OUT - Erection of five dwellings including access and parking arrangements and alterations to existing dwelling (Outline - access and layout included) (Permitted)

11/00642/EXT - Application for a new outline planning permission to replace extant outline planning permission 08/01118/OUT in order to extend the time period for the implementation for the demolition of 81 and 81A North Street, Whitwick, and redevelopment of the site with the erection of **9** dwellings and provision of parking and turning (Outline - layout and access included) (Permitted).

08/01118/OUT - Demolition of 81 and 81A North Street, Whitwick and the erection of **9** dwellings and provision of parking and turning (Outline - layout and access included) (Permitted).

It is noted that the application for nine new dwellings which was been approved on this site was not implemented and permission has now lapsed. However, as detailed above, an extant permission exists for 5 dwellings on the site.

### 2. Publicity

21 Neighbours have been notified.  
Site Notice displayed 27 October 2017.

### 3. Summary of Consultations and Representations Received

The following summary of responses is provided.

**Whitwick Parish Council** raise objection for the following reasons:

'We believe a precedent was set previously that refused to allow increased vehicle access to the highway on North Street on safety grounds. As previously highlighted to you - the access was shared with the Health Centre and was already insufficient for the number of patients, doctors and other visitors. GPs and the Patient Participation Group had submitted objections and were deemed to have expert knowledge of the site. The Parish council request that a site meeting for the planning committee be arranged at 0930 on a weekday to assess the practical implications. The shared access for existing properties was wholly insufficient for the number of new properties proposed. The current access at the edge of the site was frequently blocked and access for patients was already very difficult to visit either the doctor or the adjoining chemist. The parking provision was no longer large enough for the shared facility and a new development would exacerbate the problem to a dangerous and unacceptable level. Emergency vehicles required frequent access to the only surgery in the village serving 7,500 patients and this vital need would be compromised. Patients with mobility problems had difficulty due to the gradient of the site and the number of properties proposed would still increase vehicle numbers and impede their safe access. Existing visitors frequently parked in North Street, which had speed calming measures due to known existing problems. Use of the access road in this manner (like a highway) was believed to be contrary to T10 of the Planning Policy. Councillors were dismayed that County Highways had not yet registered objections to this application on safety grounds. In addition the layout proposed was over intensive use of the sloping site, with properties still being overbearing in the proposed new location and causing existing dwellings to be heavily overlooked. Although disruption to the community during the construction phase was not a material consideration, councillors wished this point to be raised. "

**Leicestershire County Council - Ecology** has no objections. Conditions were suggested relating to the dwelling to be demolished but this is now to be retained as part of the amended proposals.

**Leicestershire County Council - Highways** advise that the residual cumulative impacts of the development can be mitigated and are not considered severe, subject to conditions being imposed.

**Leicestershire County Council - Local Lead Flood Authority** do not deem this to be a major application and do not deem the site to be at any significant flood risk.

**NWLDC - Environmental Protection** recommends notes to applicant concerning the hours of construction works and minimising dust and noise disturbance.

**NWLDC - Street Management** is satisfied with the bin collection provision proposed as part of the amended plans.

**Severn Trent Water**- no response received.

#### **Third Party Representations**

11 letters of neighbour representation have been received, including letters from the Whitwick Patient Participation Group and from Doctors at the Whitwick Health Centre raising objection on the following grounds:

*Highway safety issues:*

- Concern about overspill parking in an area already suffering from parking problems;
- The access drive into the site is shared by Whitwick Health Centre and is a single track road as vehicles park along it and vehicles parking in the health centre spaces also reverse into it which can prevent vehicular access into the site from North Street which blocks the carriageway;
- Blockages around the access could impede emergency access to the health centre;
- The new dwellings would obstruct visibility at the access and should be set back as per other developments in the locality;
- There are bus stops close to the access which makes this part of North Street busy;
- Greater visibility should be provided at the access;
- A road traffic accident has occurred outside the site in recent months involving the Police, Fire and Ambulance services and the proposal will give rise to an increased risk of further incidents occurring;
- Increased dangers to pedestrians visiting the health centre;
- The plans incorrectly show the parking available within the health centre site and often patients parking in GP spaces which is problematic;
- Many patients travel to the health centre by car because public transport is not available to meet their needs;
- Existing residents use the health centre car park when visiting the health centre and the same is likely to occur for the proposed dwellings;
- The development will reduce the space available for parking at the health centre and patients will have to park on North Street which will impede traffic flow and make access/egress to and from the site more hazardous;
- Concern that residents of the proposed dwellings will park in the health centre car park which will exacerbate the existing parking problems;
- Parking at a distance from the health centre would be difficult for elderly patients and patient with some medical conditions, particularly in poor weather conditions;
- The imposition of double yellow lines would not address parking around the access as those patients with disabled parking can ignore them;
- The development should be served via a new access;
- The NHS policy is to increase medical procedures at local practices and this will further increase traffic using the health centre and exacerbate parking problems;

*Residential Amenities:*

- Loss of privacy and overlooking to properties fronting North Street;
- Overshadowing of the properties and their garden areas by the new development to the rear of the site;
- Plot 7 will appear particularly overbearing from the rear of properties fronting North Street due to it's location on the boundary and increasing land levels;
- Noise and disturbance associated with increased vehicular movements at the rear of the site;
- Deterioration of air quality;
- Impact on the quality of life of local residents;
- Right to light - does the development adhere to the 45 degree rule for No's 83, 85 and 87 North Street;
- Light pollution from new street lighting at the rear of existing properties;
- Noise, mess and disturbance during construction works;

**Design and Character:**

- The dwellings would be of inappropriate design for this area;
- Overdevelopment;
- Garden grabbing;

*Other:*

- We need to ensure that health care facilities are available for an increasing population;
- Does the developer has a right to use the access;
- Should the development take place a street name should be chosen that remembers a well known local character;
- If an agreement has been reached between the developer and the NHS over the use of the access, then has been done without the inclusion of the Whitwick Patient Participation Group and without understanding the practical consequences of the development for patients.

**4. Relevant Planning Policy**

**National Policies**

*National Planning Policy Framework*

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

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- Paragraph 7, 17 (Achieving sustainable development)
- Paragraph 14 (Presumption in favour of sustainable development)
- Paragraph 32, 34 (Promoting sustainable transport)
- Paragraph 47, 49 (Delivering a wide choice of high quality homes)
- Paragraph 57, 59, 61 (Requiring good design)
- Paragraph 118 (Conserving and enhancing the natural environment)

**Adopted North West Leicestershire Local Plan (2017)**

The following Local Plan policies are relevant to this application:

- Policy S1 - Future Housing and Economic Development Needs
- Policy S2 - Settlement Hierarchy
- Policy D1 - Design of New Development
- Policy D2 - Amenity
- Policy IF4 - Transport Infrastructure and New Development
- Policy IF7 - Parking Provision and New Development

### **Other Guidance**

National Planning Practice Guidance - March 2014.

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

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.

Good Design for North West Leicestershire SPD.

## **5. Assessment**

### **Principle**

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2017).

The application site is within the defined Limits to Development within the sustainable settlement of Whitwick where new residential development would accord with Policy S2 of the adopted Local Plan. An extant permission exists for residential development on the site and therefore, the principle of residential development has already been established as acceptable.

Overall, it is considered that the proposal would represent a sustainable form of development and would accord with the policy aims of both the adopted Local Plan and would be acceptable in relation to the NPPF. Therefore the development is acceptable in principle subject to other material considerations.

### **Design and Character of the Area:**

The need for good design in new residential development is outlined not only in Policy D1 of the adopted Local Plan, but also the Council's Good Design SPD and Paragraphs 57, 60 and 61 of the NPPF.

There is a mixture of dwellings in the surrounding area with detached, semi-detached and terraced dwellings off North Street, detached bungalows within the site and two-storey terraced and semi-detached to the rear of the site. The application details three terraced dwellings fronting onto North Street with two semi-detached and two detached dwellings sited perpendicular to and set further back from North Street behind the existing row of terraces (No.83-93 North Street). Vehicular access and parking is shown to the rear of the terraces via the existing shared access drive for No.81 and 81A North Street and parking would be provided to the front/side of the detached two storey dwellings on plots 4 to 7.

The proposed terraced dwellings fronting North Street would be sited close to the back of the highway with a low wall in front and would have a scale and appearance that would be consistent with other properties fronting North Street. It is proposed that these dwellings at the front of the site would include chimney and traditional eaves and verge detailing, with cast iron effect rainwater goods and the front and exposed side elevation of this group of dwellings would be laid to a Flemish Bond. These characteristics would accord with the scale, layout and form of the surrounding area and would not appear out of keeping. Whilst concern has been raised about the overdevelopment of the development on the site, the density of the proposed development would not be inconsistent with that of surrounding residential development.

Furthermore, planning permission was granted for the erection of nine new dwellings on the site in 2008 and 2011 and the current proposal for seven new dwellings and the retention of the two existing dwellings would result in the same number of dwellings on the site.

To the rear of the site, the four semi-detached/detached dwellings would be sited at a right angle to both the properties fronting North Street and the existing single dwelling and dormer bungalow (No.s 81 and 81a North Street) at the rear of the site. The proposed dwellings would not run parallel with North Street or follow the building line created by the existing dwellings to be retained on the site, or No's 101-119 North Street which are set back from the road. However, there are dwellings to the rear of the site on Holland Close, and the building line of which the proposed dwellings would align. Furthermore, there are examples of development sited perpendicular to North Street within the vicinity, such as Pares Close, Orchard Close, Eveden Close and No's 135-143 North Street. In addition, the proposed dwellings will also be screened from the public highway on North Street to a large extent by the existing and proposed dwellings fronting North Street, accepting that glimpses would be available through the access to the Whitwick Health Centre and between No.s 97 and 101 North Street.

In considering application 16/00829/OUT for dwellings which would follow the alignment of No.s 81/81a North Street, the view was taken that this layout represented an improvement on a scheme approved under permission 08/01118/OUT, which provided for a scheme with dwellings sited perpendicular to the existing properties on North Street, as per the current proposal. Whilst it is accepted that a scheme which aligns with the building line created by 81-81a and 101-119 North Street would better reflect the layout of existing development on the site, consideration needs to be given as to whether the current proposal would be significantly detrimental to the character of the area to warrant a refusal of permission on this ground. When having regard to the alignment with Holland Close and other in-depth developments in the locality, it is not considered that a refusal on the ground of the development appearing out of keeping with the scale, form or layout of development in the locality could be sustained. Furthermore, the proposed dwellings at the rear would have traditional eaves, verge and eaves details as per the proposed frontage units. The shared access drive would be surfaced in tarmac following an initial rumble strip in block pavers and the parking areas would be surfaced in matching block pavers. For public facing new boundaries, brick walls are proposed which would be laid to a Flemish Garden Wall bond with a double bullnose brick and double tile crease for detail. The same detail would be utilised on the low wall proposed up to the footway on North Street in front of plots 1-3. These details will help secure a higher standard of design detailing than other modern developments in the locality.

A new single garage is proposed to the rear of No.81 North Street and this would not appear out of keeping with the scale and appearance of the existing dwelling to which it would relate.

Overall, it is considered that the application would accord with the provisions of Policy D1 of the adopted Local Plan, the design advice in the NPPF and the Council's Good Design SPD.

### **Impact upon Residential Amenity**

The most immediately affected neighbours would be the occupiers of No.81A and No.81 North Street, which are under the applicant's ownership, No.83-93 and No.101 North Street to the north west of the site and No.45 Jarvis Way and No.8 Holland Close to the south and south western boundaries of the site respectively.

The proposed dwellings on plots 1-3 would be set a distance of 4m away from the facing side elevation of No.83 with garden land in between. There is an outbuilding in the rear curtilage of this neighbour and it is considered that the proposed arrangement would not result in any



significant detrimental impact on No.83 in terms of overbearing or overshadowing. One window is proposed in the end gable facing No.83 which would serve a bathroom and therefore, could be obscure glazed so as not to result in any significant overlooking of the neighbouring property. Whilst concern has been raised about whether plots 1-3 would adhere to the 45 degree rule for overshadowing, the siting of the proposed dwellings would not be dissimilar to the approved scheme for the site, and in fact, would be sited an additional metre away from the nearest existing dwelling. In these circumstances, it is not considered that a refusal on the grounds of overshadowing could be sustained.

The proposed two storey dwellings on plots 4-7 would face No.81a North Street, with the rear elevation facing No.101 North Street. The side elevation of the existing dormer bungalow (No.81a North Street) would be sited just over 10m and 9m from the front elevation of the dwellings on plots 6 and 7. The Good Design Guide allows for a lesser distance than 12m to be provided where neighbouring dwellings have fewer stories. In this case, the existing dwelling on the site is a dormer bungalow with accommodation in the roof and therefore, is not the height and mass of a two-storey dwelling. The dwellings on plots 6 and 7 are sited such that the front elevations also face garden/parking and shared surfaces within the site. Overall, it is considered that the distance available would be sufficient to prevent any significant overbearing or overshadowing impacts to the existing or proposed dwellings.

In terms of overlooking, the proposed dwellings would face the rear garden of No.81a and with the exception of the first 2m of garden area immediately behind the dwelling, a distance of 12m would be available between the garden boundary and the front of the proposed dwellings, which is considered sufficient to prevent any significant overlooking. As for those initial few metres of garden, the first floor window within plot 6 at this point would serve a landing and therefore, notwithstanding the 9m distance available, it would be unlikely to result in any significant overlooking of the garden area.

The side elevation of the proposed two-storey dwelling on plot 7 would face the rear gardens of No.s 85-89 with the proposed dwelling spanning the whole width of the garden to No.87. Following concerns raised by the occupier of this dwelling, the dwelling on plot 7 has been re-sited 4m off the boundary with this dwelling with a driveway in the intervening space. A 1.8m high fence occupies the common boundary and this is proposed to be retained. There would be a distance of 17.5m between the side elevation of the proposed dwelling and the nearest rear elevation of these neighbouring properties. The Good Design Guide specifies that where a principal window faces the blank wall of a neighbouring dwelling, the distance should be at least 12m to safeguard residential amenity and prevent buildings from being unreasonably overbearing or dominant. Whilst accepting that land levels drop between the application site and the neighbouring properties fronting North Street, it is considered that the distance between the proposed and existing dwellings would be sufficient to prevent any significant overbearing or overshadowing impacts to these neighbouring dwellings to the north east. One window is proposed in the end gable facing No.87 which would serve a bathroom and therefore, as a non-habitable room, would be unlikely to result in any significant overlooking of the neighbouring properties fronting North Street.

The side elevation of No.101 North Street abuts the north western boundary of the site, and the rear elevations of plots 4-7 face this neighbouring property. It is noted that the nearest part of this neighbouring dwelling is a single storey garage extension with only a landing window in the facing elevation at first floor level. The proposed dwellings would be a distance of 11-12m from the side boundary of this property, which is considered sufficient to prevent any significant overlooking, overbearing or overshadowing impacts on this neighbouring property as a result of the proposal.

The distance available between plots 6 and 7 and the boundary of the neighbouring dwelling would be 10m. When having regard to the single storey nature of the garage extension adjacent to the boundary, it is considered that distance available between the proposed and existing dwelling is sufficient to protect the amenities of the occupiers of the proposed new dwellings from overbearing and overshadowing impacts. Furthermore, the first floor window in the end gable of the neighbouring property would serve a landing and would be unlikely to result in any significant overlooking of the proposed dwellings.

The bottom end of the garden to No.45 Jarvis Way also abuts the north western boundary of the site. When having regard to the 12m distance that would be available between the rear of the proposed dwelling and this neighbouring garden, it is not considered that any significant overlooking, overbearing or overshadowing issues would arise.

The application site also borders Holland Close and the south western boundary of the site would abut the side boundaries with No.s 8 and 10 Holland Close. Both of these properties present side gables to the application site and contain first floor landing windows which are non-habitable windows. The proposed dwellings on plots 4 and 5 align with No. 8 Holland Close such that no significant overbearing, overshadowing and overlooking impacts upon this existing property would arise as a result of the development. No built development is proposed adjacent to the boundary with No.10 Holland Close and therefore, no overbearing, overshadowing or overlooking impacts would arise. A new garage is proposed within the rear garden of No.81 North Street but this is located at sufficient distance away from the boundary to have any adverse impact.

In terms of comings and goings, the proposal would introduce additional vehicular and pedestrian noise associated with the residential occupation of the site but this would not be inconsistent with that of neighbouring land uses. Concern has been raised about noise, mess and disturbance during the construction phase of the development but these are matters that would be addressed by separate Environmental Protection legislation and therefore, are not a planning matter for consideration in this application. With regard to concerns about loss of air quality, it is not considered that the two additional dwellings proposed above the existing approved scheme would raise any significant air quality issues in the locality.

Overall, it is considered that the development would not have any significant detrimental impact upon the amenity of neighbouring residential properties (or future neighbouring residents) and the proposal is considered to be acceptable in relation to Policy D2 of the adopted Local Plan and the Good Design SPD.

### Highway Considerations

Access to the site would be via an existing vehicular access off North Street which is shared by the Whitwick Medical Centre. As detailed above, the site benefits from an extant outline planning permission for the construction of five dwellings, plus the retention of the two existing dwellings on the site; a total of seven dwellings. The County Highways Authority advise that they did not seek to resist the earlier application on the basis that the proposals would improve the available visibility at the access on to North Street and would close an existing sub-standard access. The site access is currently 6 metres wide which is identical to the site access details included as part of the extant planning permission for five new dwellings on the site. The County Highways Authority has been consulted on the application and advises that the proposed access is still an appropriately designed access to cater for the additional dwellings now proposed. It is noted that the applicant has provided an amended plan to demonstrate appropriate visibility at the site access onto North Street and a condition would be attached to ensure this visibility splay is maintained.

Since the previous application was considered, the County Highways Authority advises that there has been one Personal Injury Collision (PIC) recorded within the vicinity of the site, which was classified as being slight in severity and involved a single vehicle. The County Highways Authority, considers that the proposal for seven new dwellings (two more dwellings than the approved scheme) would be unlikely to result in an increase of PIC's occurring in the vicinity of the access.

The proposed layout shows an appropriate number of car parking spaces have been provided within the development for the dwellings proposed and sufficient turning space is provided to allow for vehicles to exit the site in a forward gear in accordance with the 6C's Design Guide. It is noted that pedestrian gates have also been provided from the parking spaces to the rear of the gardens to Plots 1 - 3, which allows for easy access for residents of these plots and minimises any risk of on-street parking occurring on North Street. Whilst it is acknowledged that local concerns have been raised about the proposal exacerbating existing parking problems associated with the health centre, the proposed development would meet its own parking needs in accordance with standards within the site, and it would not be reasonable to require extra parking spaces to be provided.

Highway safety concerns have been raised by local residents, the Parish Council and the Whitwick Health Centre as set out in the representations section of this report. Although neighbours have commented that the development would exacerbate parking problems along North Street and would affect parking for the adjacent health centre, it is noted that the County Highways Authority has not raised any objection in relation to the parking arrangements, for the existing and proposed dwellings and the health centre. The County Highways Authority advise that access to the dwellings would be to the rear and would not result in any significant impact on highway safety or parking along North Street. The existing substandard vehicular access onto North Street would be permanently closed and this can be secured by way of planning condition. Although the neighbouring property currently uses this access, it is within the applicant's ownership and the loss of vehicular access to the rear of No.83 would not represent reason to refuse this application. The advice of the County Highways Authority advice is that, in its view, the residual cumulative impacts of development can be mitigated and are not considered severe and the proposal, subject to conditions, would accord with paragraph 32 of the NPPF.

Overall, the access arrangements would accord with the 6C's Design Guide and the proposal would improve the available visibility at the access off North Street and would also close an existing sub-standard access. There would be sufficient parking and turning for the proposed

dwellings and, subject to suitably worded conditions, it is deemed that the application would accord with Policies IF4 and IF7 of adopted Local Plan, advice in the 6Cs Design Guide and paragraph 32 of the NPPF.

In response to highway objections that have not been addressed in the above text, concern has been raised that the proposal would remove parking available within the health centre. It is acknowledged that the shared drive into the development site would be increased in size, however, this is no different to the previously approved scheme. As for concerns about double yellow lines at the access being ignored, these do not form part of the application proposal and are not a requirement of the County Highways Authority. Whilst the view has been expressed that the development should be served by a new separate access, the current application has to be assessed on its own merits. Whilst it may be NHS policy that there will be an increase in medical procedures being undertaken at local practices, it is for the NHS to assess the suitability of its premises to accommodate these additional services and the parking needs of the proposed development are met within the application site.

### **Protected Species**

The application submission was accompanied by a Preliminary Ecological Appraisal and Bat Emergence Surveys for 81a North Street which set out precautionary recommendations in relation to demolition and new bat boxes which are considered acceptable by the County Ecologist. However, whilst the application as originally proposed included the demolition of one of the existing dwellings (81a North Street) which had potential for bats, following the submission of amended plans both of the existing dwellings are to be retained and no ecological conditions are required. As such it is considered that protected species would not be adversely affected and the proposal would comply with Policy EN1 of the adopted Local Plan and paragraph 118 of the NPPF.

### **Trees**

There are trees and shrubs across the proposed development site however these are not protected or subject to any Tree Preservation Orders and could be removed by the applicant at any time without requirement for planning consent. The application proposes significant removal of these trees and hedges but the submitted layout plan shows the hedge adjacent to the health centre car park to be partially retained and some other trees within the site to be retained. The trees and shrubs to be removed are not considered to be of high amenity value and new tree/shrub planting is proposed across the site. On the basis of the above, the application would have an acceptable impact on landscaping and the application is considered to accord with Policy En1 of the adopted Local Plan.

### **Other**

With regard to concerns about light pollution, no street lighting is shown on the plans and the agent has confirmed that as a private drive, no street lighting will be required. As for queries about whether the applicant has the right to use the access, this is a matter for separate legislation. The applicant has served notice on others having an interest in the site and therefore, has complied with the requirements of the relevant planning legislation. It is noted that a suggestion has been made about the street name for the development relating to a well-known local person and this can be included as a note to applicant should permission be granted. Concern has been raised about garden grabbing but this site has already benefits from an approval for development. In determining the previously approved scheme for the site, Severn Trent Water requested that a drainage condition be imposed on any permission granted. However, Severn Trent Water has not responded to the current application proposal and in any case, there consent would be required to connect to the public sewer.

**Conclusion**

The principle of residential development on the site is considered to be acceptable. The scheme is acceptable in terms of its impact on residential amenities, design and impact on highway safety. The application would have an acceptable impact on ecology and trees and taking all of the above into account, it is considered that the application complies with relevant policies of the adopted Local Plan, the NWLDC Good Design Guide and the National Planning Policy Framework. It is therefore recommended that the application should be permitted.

**RECOMMENDATION - PERMIT, subject to the following condition(s):**

1. Time limit
2. Approved plans
3. Materials/finishes/detailing as shown
4. Landscaping as shown
5. Boundary treatments as shown
6. Bin collection area provided as shown
7. Closure of existing access and provision of visibility splays
8. Parking and turning as shown
9. Construction traffic management plan
10. Removal of pd rights for the proposed dwellings