

Erection of 9 dwellings including associated access and parking arrangements (Outline - means of access and layout for approval)

**Report Item No
A2**

**115 Station Road Hugglescote Coalville Leicestershire LE67
2GB**

**Application Reference
18/01599/OUTM**

**Grid Reference (E) 442515
Grid Reference (N) 312632**

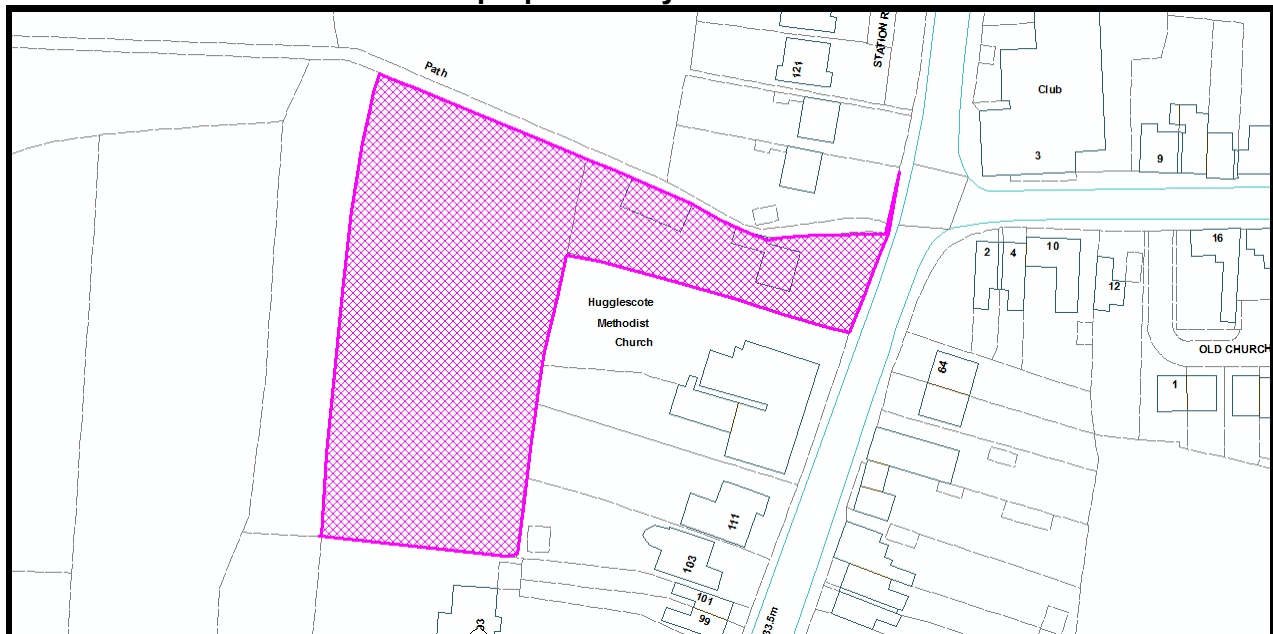
**Date Registered:
31 August 2018
Consultation Expiry:
19 October 2018
8 Week Date:
30 November 2018
Extension of Time:
None Agreed**

**Applicant:
Lychgate Lychgate Homes Limited**

**Case Officer:
Adam Mellor**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329

1. Proposals and Background

EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application is called in to the Planning Committee by Councillor Johnson on the basis of highway safety, that the access and egress is not suitable, that no affordable housing would be provided and that the proposal is an overdevelopment of the site.

Proposal

This is an outline application, with means of access and layout for approval, and relates to the erection of 9 dwellings with associated access and parking arrangements at 115 Station Road, Hugglescote.

Consultations

Objections have been received from third parties as well as Hugglescote and Donington Le Heath Parish Council. No objections have been received from the majority of statutory consultees who have responded during the consultation process, with the exception of the County Council Ecologist, with the Council's Conservation Officer raising concerns in relation to the repositioning of the front boundary wall to no. 117 Station Road and a revised response from the Lead Local Flood Authority awaited.

Planning Policy

The application site is within the Limits to Development in the adopted North West Leicestershire Local Plan.

Conclusion

As the site is within the Limits to Development the principle of the development is acceptable. The key issues are:

- Design and impact on the character and appearance of the streetscape;
- Impact on heritage assets;
- Residential amenity;
- Highway safety;
- Landscaping;
- Ecology; and
- Drainage and flood risk.

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies, including the adopted Good Design for North West Leicestershire SPD, and the NPPF (2018).

RECOMMENDATION - PERMIT, SUBJECT TO CONDITIONS AND NO OBJECTION BEING RAISED BY THE LEAD LOCAL FLOOD AUTHORITY (LLFA).

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

Members are advised that this summary should be read in conjunction with the detailed report.

1. Proposals and Background

Outline planning permission is sought for the erection of 9 dwellings with means of access and layout for approval at this stage at 115 Station Road, Hugglescote. No. 115 Station Road is a two-storey detached dwelling situated on the western side of Station Road and is within the Limits to Development. It is intended that the proposed dwellings would be provided on land which forms part of the residential garden to 115 Station Road with the surrounding area comprising residential development along Station Road and open countryside/woodland to the west. The application site is also within the Hugglescote Conservation Area which was designated in October 2017.

Originally the application proposed the erection of 10 dwellings but following concerns being raised by the Case Officer, following the receipt of consultation responses, the number of dwellings has been reduced to 9.

It is proposed that no. 115 Station Road would be retained as part of the development proposals with the vehicular access off Station Road being upgraded so as to ensure it can accommodate the vehicular movements associated with multiple dwellings. The dwellings themselves would be formed around a cul-de-sac with plots 1 and 2 set on the northern side of the access drive and plots 3 - 9 on the eastern side of the access drive. A mix of 2, 3 and 4 bed properties is proposed.

A planning statement (incorporating a design and access statement, heritage statement and Building for Life 12 (BfL 12) assessment), site access appraisal, tree survey and ecological appraisal (including protected species survey) have been submitted in support of the application.

The recent and relevant planning history of the site is as follows:

- 14/00968/OUT - Demolition of existing dwelling to allow for a residential development of up to 8 dwellings (outline - details of part access included) - Approved 16th July 2015.
- 18/00369/OUT - Demolition of existing dwelling to allow for residential development (outline - details of part access included) - Withdrawn - 6th July 2018.
- 18/01095/REM - Erection of dwellings to plots 7 and 8 (reserved matters to outline planning permission 14/00968/OUT) - Pending Consideration.

2. Publicity

25 Neighbours have been notified.

Site Notice displayed 12 September 2018.

Press Notice published Leicester Mercury 19 September 2018. Press Notice published Leicester Mercury 19 September 2018.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Hugglescote and Donington Le Heath Parish Council object to the application on the following grounds:

- The visibility at the site access would be restricted by the relocated access;
- The narrowing of the roadway adjacent to no. 115 Station Road would not allow larger

- vehicles to access the properties;
- The provision of the detached car port to the frontage of no. 115 Station Road would be incongruous to the streetscape;
- The demolition of historic walls and pillars should be avoided;
- An archaeological earthworks is set within the western part of the site so permitted development rights should be removed to prevent the erection of outbuildings or walls on this earthworks;
- The access will not allow for horse transporters to access the site should stables be provided in the future as suggested by the plans.

Leicestershire County Council - Archaeology no representation received at the time of this report any comments received will be reported to Members on the Committee update sheet.

Leicestershire County Council - Development Contributions does not require any financial contributions towards education, libraries or civic amenity to mitigate the impacts of the development.

Leicestershire County Council - Ecology has no objections in respect of the implications to protected species, subject to conditions, but would object to the loss of any of the veteran Ash trees.

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

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

Leicestershire County Council - Lead Local Flood Authority a revised consultation response is awaited so any revised comments will be reported to Members on the Committee update sheet.

Leicestershire Fire and Rescue Service have provided guidance on the access arrangements which would be required.

NHS Leicester has no objections and does not require a financial contribution to mitigate the impacts of the development.

NWLDC - Affordable Housing Enabler has no comments to make as the development is below the threshold where affordable housing would be required.

NWLDC - Conservation Officer objects to the provision of a detached car port to the frontage of no. 115 Station Road and raises concerns about the demolition and rebuilding of the front boundary wall to no. 117 Station Road.

NWLDC - Environmental Protection has no objections subject to conditions.

NWLDC - Environmental Protection (Contaminated Land) has no objections subject to conditions.

NWLDC - Tree Officer has no objections subject to conditions.

NWLDC - Waste Services have provided guidance on the bin collection requirements for the development.

Severn Trent Water has no objections subject to conditions.

Third Party Representations

Four letters of representations have been received objecting to the application with the comments raised summarised as follows:

- The demolition of the historical Station Road wall and architectural pillars to nos. 115 and 117 Station Road should be avoided as this is a breach of the conservation area setting of the development. The same would also apply to the outbuilding to the rear of no. 115.
- The proposed car port would alter the look of the property and would not be in keeping with conservation guidelines.
- The number of reported accidents in the supporting documentation does not accurately reflect the amount of accidents which have occurred.
- The gradient of the road and speeding of traffic has contributed to the accidents which have occurred with the volume of traffic associated with the development increasing the risks to highway safety.
- Queuing traffic on Station Road would hinder the ability for vehicles to enter and exit the site.
- The width of the highway would be insufficient for a fire engine to access the site.
- The amount of dwellings proposed would result in an overdevelopment of the site.
- The amount of dwellings being constructed is altering the character of the settlement and the significance of the conservation area.
- The plans are inaccurate in terms of the position of the gate entrance to no. 117 Station Road and does not show the pillar at the entrance to no. 119 Station Road.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2018)

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraph 34 (Development contributions);
Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
Paragraphs 54, 55, 56 and 57 (Planning conditions and obligations);
Paragraphs 59, 60, 61, 62, 64, 68, 73, 74 and 76 (Delivering a sufficient supply of homes);
Paragraph 98 (Promoting healthy and safe communities);
Paragraphs 105, 108, 109 and 110 (Promoting sustainable transport);
Paragraphs 117, 118, 122 and 123 (Making effective use of land);
Paragraphs 126, 127 and 130 (Achieving well-designed places);
Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 175, 178, 179 and 180 (Conserving and enhancing the natural environment); and
Paragraphs 192, 193, 194, 196 and 199 (Conserving and enhancing the historic environment).

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;

Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy H4 - Affordable Housing;
Policy H6 - House Types and Mix;
Policy IF1 - Development and Infrastructure;
Policy IF3 - Open Space, Sport and Recreation Facilities;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire Historic Environment;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document - April 2017.

Leicestershire Highways Design Guide (Leicestershire County Council).

Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 72.

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

5. Assessment

Principle of Development and Sustainability

The site is located within the Limits to Development where the principle of residential development is considered acceptable subject to compliance with relevant policies of the adopted Local Plan and other material considerations. Within the NPPF (2018) there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

The principle of residential development on the site has been established by virtue of the outline approval granted under application reference 14/00968/OUT which remains extant given the submission of a reserved matters application under reference 18/01095/REM. Whilst one additional dwelling would be proposed as part of this application it is noted that Hugglescote forms part of the Coalville Urban Area, which is the primary settlement in the District and where the largest amount of new development will take place.

On the above basis the principle of the development would remain acceptable in accordance with Policy S2 of the adopted Local Plan and the core objectives of the NPPF.

Design and Impact on the Character and Appearance of the Streetscape and Wider Area

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1, as well as the Council's adopted Good Design for NWLDC SPD, but also Paragraphs 124 and 127 of the NPPF.

Station Road is characterised predominately by dwellings which are slightly set back from the highway although there are examples of properties which are set a greater distance from the highway including nos. 77 and 93 Station Road.

It is noted that scale, appearance and landscaping are all included as matters to be considered at a later stage although the layout is for approval at this stage. In the consideration of application reference 14/00968/OUT it was determined that the provision of the residential development, to the rear of properties on Station Road, would not result in sufficient harm to the character of the streetscape and wider area as to justify a refusal of the application. Given this previous permission remains extant it is considered that it would be difficult to now conclude this application, which only proposes one additional dwelling, would not be appropriate. The layout as proposed would also ensure that the plots have private amenity areas which are greater than the footprint of the dwellings, in accordance with the Council's adopted Good Design SPD, with the overall size of the plots being consistent with those plots associated with detached, semi-detached and terraced properties within the immediate area. Overall the layout of the proposed development would ensure that it would successfully integrate into the environment in which it is set.

The appearance of the dwellings would be agreed at the reserved matters stage and it is considered that at this point an appropriate design could be achieved which would accord with the Council's adopted Good Design SPD.

The retention of no. 115 Station Road as part of the development would also be of benefit to the character and appearance of the streetscape given that it is a traditional built form of historic significance. Amendments made to the layout have also resulted in the removal of the car port from the frontage of no. 115 given that concern was raised that this element of the development would be detrimental to the character and appearance of the streetscape.

Overall the layout of the development is considered to be compliant with Policy D1 of the adopted Local Plan as well as the Council's adopted Good Design SPD and Paragraphs 124 and 127 of the NPPF.

Impact on the Historic Environment

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority, when considering whether or not to grant planning permission for development which affects a conservation area or its setting to have special regard to the desirability of preserving the area, or its setting or any features of special architectural or historic interest that the area may possess. Such an approach is also supported by Paragraphs 192, 193, 194 and 196 of the NPPF.

In terms of heritage assets the application sites lies within and adjacent to the Hugglescote Conservation Area. Therefore the impact of the development on the fabric and setting of this heritage asset should be given special regard by the 1990 Act.

The Council's Conservation Officer has commented on the application and has raised concerns in relation to the repositioning of the front boundary wall at no. 117 Station Road as well as the provision of a car port to the frontage of no. 115 Station Road given that these would harm the significance of the heritage asset.

Whilst acknowledging the comments of the Council's Conservation Officer it is noted that at the time of the consideration of application reference 14/00968/OUT, which remains extant, Hugglescote did not have a designated Conservation Area and the permission granted in connection with that application resulted not only in the repositioning of the front boundary wall to no. 117 but also the demolition of no. 115 and its associated outbuilding.

In this circumstance it is considered that any harm caused to the significance of the heritage asset as a result of the repositioning of the front boundary wall to no. 117 would not warrant a refusal of the application given the heritage benefits associated with the retention of no. 115 as well as the public benefits of providing nine additional residential units within the Limits to Development in a sustainable settlement. On this basis compliance with Paragraph 196 of the NPPF is ensured. It is also the case that the Council's Conservation Officer has advised that the harm arising as a result of the repositioning of the front boundary wall to no. 117 could be mitigated by the replication of characteristic features of this wall (e.g. the corner pier) and the imposition of a suitable condition on any consent granted could ensure that an elevation detail of the repositioned wall is submitted for approval.

The car port initially proposed to the frontage of no. 115 Station Road to which the Council's Conservation Officer objected has now been omitted from the scheme.

Overall the proposed development would be acceptable and accords with Policy He1 of the adopted Local Plan, Paragraphs 192, 193, 194 and 196 of the NPPF and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Accessibility

The County Highways Authority (CHA) has raised no objections subject to the imposition of conditions on any permission granted.

A new vehicular access into the site off Station Road would be created to serve the dwellings, as well as no. 115 Station Road, with this access having a width of 5 metres for the first 5 metres behind the highway boundary and a dropped kerb crossing of 9.2 metres. Such an access arrangement would accord with the Leicestershire Highways Design Guide (LHDG). Vehicular visibility splays of 2.4 metres by 43 metres in both directions as well as 1 metre by 1 metre pedestrian visibility splays would also be provided at the site access in accordance with the LHDG. Although the vehicular visibility splay in a northern direction would pass over third party land (associated with no. 117 Station Road) it is anticipated that a contract with the owner of no. 117 would be drawn up so as to secure the provision of this splay which would be the same arrangement as that agreed under the extant consent (14/00968/OUT).

Internally the access road would narrow to 3.5 metres in order to pass the southern (side) elevation of no. 115 Station Road and whilst this is not ideal the CHA are satisfied that the tracking information submitted within the site access appraisal demonstrates that two vehicles could pass clear of the highway, as such vehicles associated with the properties would not restrict the free and safe flow of traffic on Station Road. It is, however, a requirement of the CHA that a scheme of priority markings/signage is provided so as to ensure that vehicles entering the site are given priority over those exiting the site and a condition would be imposed to secure this scheme.

In terms of the comments relating to the access by emergency vehicles (in particular a fire engine) it is noted that The Building Regulations 2010 Fire Safety Approved Document B: Vol 1 - Dwellings Section B5 (Access and facilities for the fire service) outlines that the minimum width of a road between kerbs would be required to be 3.7 metres. However, the Association of Chief Fire Officers have outlined within Manual for Streets that such a width is required for *"operating space at the scene of a fire and that to simply reach a fire the access route could be reduced to 2.75 metres"* (Paragraph 6.7.3 of Section 6.7 Emergency Vehicles on Page 75 of Manual for Streets). In this circumstance it is considered that the narrowing of the internal access road would not prevent emergency vehicles from serving the proposed dwellings particularly given that the width of the remainder of the internal access road would be sufficient

for operating at the scene of a fire.

Suitable manoeuvring facilities would also be provided so as to ensure that vehicles could exit the site in a forward direction.

Whilst recognising that concerns have been expressed by the Parish Council and from third parties in respect of highway safety, the implications to the wider highway network would be no greater than those previously considered acceptable in relation to the permission granted under application reference 14/00968/OUT which remains extant. On this basis, as well as taking into account the CHA has no objections, the proposal would accord with Policy IF4 of the adopted Local Plan as well as Paragraphs 108 and 109 of the NPPF.

In respect of off-street parking requirements the application forms suggest that the properties would be a mix of two, three and four bed properties. The Council's adopted Good Design SPD advises that a minimum of two off-street parking spaces would be required for dwellings with 1 - 3 bedrooms with a minimum of three off-street parking spaces for dwellings with 4+ bedrooms. The layout as submitted demonstrates that the required level of off-street parking could be accommodated on the site to serve the number of bedrooms proposed with the dimensions of the spaces also according with those stated within the LHDG. A condition would be imposed for a suitable level of off-street parking to be provided and on this basis the development would accord with Policy IF7 of the adopted Local Plan and Paragraph 105 of the NPPF.

Public footpath N74 is set to the north of the site and is separated from the application site by the boundary treatments which run along the northern boundary with the development itself not being positioned on the public footpath. On this basis the proposed development would have no impact on the safe usage of the public footpath and therefore it complies with Paragraph 98 of the NPPF.

Neighbours and Future Occupants Amenities

It is considered that the properties most immediately affected by the proposed development would be no. 115 Station Road, which is in the control of the applicants, as well as nos. 93, 103 and 111 Station Road.

The proposed layout is for approval at this stage and it is noted that the north-western (rear) elevations of nos. 103 and 111 Station Road would be set 24 and 31.5 metres, respectively, from the boundary of the application site with the northern (side) elevation of no. 93 set 6.5 metres from the shared boundary.

Amendments made to the layout have now resulted in seven of the dwellings being positioned on the eastern side of the proposed internal access road and as such they would have a 'back to back' relationship with nos. 103 and 111 Station Road and 'side to side' relationship with no. 93. Plots 7 to 9 would be set 'behind' nos. 103 and 111 Station Road and in terms of separation distances to what would become shared boundaries the minimum distance would be 8 metres (the eastern (rear) elevation of plot 9 with the boundary to no. 103). Taking into account the separation distances between the rear elevations of nos. 103 and 111 and the boundary of the application site (as referenced above) it is considered that the provision of plots 7 to 9 would not result in any adverse overbearing or overshadowing impacts.

In terms of the relationship with no. 93 Station Road it is proposed that the southern (side) elevation of plot 9 would be set 3 metres from the shared boundary with no. 93. When taking into account the orientation of plot 9 to no. 93, the overall extent of private amenity space associated with no. 93 and that no habitable room windows exist in the northern (side) elevation

of no. 93 it is considered that the proposed separation distance would be acceptable and would ensure that no adverse overbearing or overshadowing impacts would arise.

An assessment in respect of overlooking impacts to neighbouring properties would be undertaken once the scale and appearance of the dwellings was known at the reserved matters stage but, on the basis of the proposed layout, it is considered that the dwellings could be provided so as not to result in any adverse overlooking impacts to neighbouring properties.

In terms of the vehicular access and the extent of the internal access road it is proposed that this would be sited so that it would not be adjacent to any other residential property and consequently no significantly adverse noise or disturbance impacts would arise as a result of the movement of vehicles at the access or on the internal access road and the Council's Environmental Protection Team have raised no objections. In addition a degree of noise would be generated by the vehicular movements undertaken at the offices of M-EC (located in the former Hugglescote Methodist Church) whose car park is set closer to these properties.

Although the comments of the Council's Environmental Protection Team outline that conditions should be imposed relating to construction hours and that noise and dust should be adequately controlled it is considered that the construction of 9 dwellings would not be significantly different to the construction of 8 dwellings. In this context it is considered that the imposition of the suggested conditions would be unreasonable given that no such conditions were secured as part of the scheme permitted under application reference 14/00968/OUT which remains extant. It is, however, the case that a note to the applicant would be imposed on any permission granted to advise them of the best practices for construction works advised by the Council's Environmental Protection Team with it also being the case that any statutory nuisance arising from the construction of the development could be addressed separately under Environmental Protection legislation.

With regards to future amenities it is considered that the above separation distances and relationships with existing development would ensure that no adverse overbearing, overshadowing or overlooking impacts would arise. In any event any future occupant would be aware of the relationship with neighbouring built forms prior to their purchase.

Trees of a mature stature would be retained in close proximity to plot 2 and as such it is inevitable that shadowing implications would occur to this plot at a particular point of the day, mainly the later parts of the afternoon/early evening. It is considered that plot 2 and its associated amenity area are located in the most viable area, so as to lessen this impact, as well as the fact that the impact is limited to a particular part of the day. Subject to the position of habitable room windows within plot 2 being carefully considered at the reserved matters stage it is considered that the extent of shadowing would not be sufficiently detrimental as to warrant a refusal of the application. In any case any future occupants of plot 2 would be aware of this relationship prior to their purchase.

Overall the proposed layout of development would be considered compliant with Policy D2 of the adopted Local Plan and Paragraph 180 of the NPPF.

Landscaping

In commenting on application reference 14/00968/OUT the Council's Tree Officer specified that seven Ash trees on the western boundary could be considered veteran trees but of these trees three had significant defects which would limit their contribution to the visual amenities of the wider area. It was also the case that the identified trees would be susceptible to branch or stem failure and would therefore pose an unacceptable risk to the proposed residential development.

The Council's Tree Officer also considered that three Larch trees should be retained near to the southern boundary of the site with the remaining Ash trees to the western boundary being retained with an appropriate tree management plan.

Layout was not submitted for approval as part of the consideration of application reference 14/00968/OUT but the indicative layout suggested that the dwellings would have rear gardens that would back onto the existing development along Station Road with the internal access road set close to the western boundary of the site.

As part of the consideration of this application the Council's Tree Officer has re-inspected the trees and considers that of the 43 trees on the site eight Silver Birch's, four Ash trees, a Field Maple and a Holly are worthy of retention. A group of Holly trees and a hedgerow comprising Hawthorn, Holly and Elder are also worthy of retention.

Concern was raised that the layout as initially submitted in connection with this application would lead to the dwellings having an incompatible relationship with the trees given their proximity to the canopy spread and root protection areas (RPAs) of the trees as well as the fact that the trees would be within private amenity areas.

Amendments made to the layout have resulted in the number of proposed dwellings being reduced as well as the repositioning of the dwellings so that the majority would be on the eastern side of the proposed internal access road, this ensures that the properties have a greater separation distance to the trees and ensures that trees do not dominate the private amenity areas. The plans also detail that any works within the root protection areas (RPAs) of the retained trees, which would be largely limited to the internal access road and a detached car port/garage to serve plots 8 and 9, would be constructed in a manner which would ensure the protection of the trees. A condition would be imposed for a site specific tree protection/management plan and construction method statement for works within the RPA's to be submitted as part of the reserved matters application when landscaping is agreed.

Whilst, in the main, dwellings would be positioned so as to not have trees within their rear amenity areas it is the case that mature trees would be set adjacent to the rear amenity area associated with plot 2. Although it is inevitable that the private amenity area associated with plot 2 would be in shade when the sun is positioned to its west it is the case that BS 5837: 2012 ('Trees in Relation to Design, Demolition and Construction - Recommendations') outlines that *"NOTE The presence of large specimen trees is increasingly being seen as advantageous since it contributes to climate change resilience, amongst other benefits;"* as well as *"NOTE 1 Shading can be desirable to reduce glare or excessive solar heating, or to provide for comfort during hot weather. The combination of shading, wind speed/turbulence reduction and evapo-transpiration effects of trees can be utilised in conjunction with the design of buildings and spaces to provide local microclimate benefits."* Although such shading may occur it is considered that a dwelling could be provided on plot 2 subject to the position of habitable room windows in this plot being carefully considered at the reserved matters stage. Provided this matter is satisfactorily addressed at that stage there would not be unnecessary pressure placed on the trees for them to be removed albeit consent would not currently be required for their removal as they are not protected.

It is could also be ensured during the consideration of landscaping at the reserved matters stage that an appropriate scheme is provided to encourage more appropriate tree species to be planted, to replace those not deemed worthy of retention, particularly given that the site is set within the National Forest.

The details of any hard landscaping to be provided on the site would also be agreed under any subsequent reserved matters application associated with landscaping.

Overall the proposed development is considered to be compliant with the aims of Policies D1 and En3 of the adopted Local Plan.

Ecology

In terms of protected species the County Council Ecologist has commented that the submitted survey is satisfactory and which has concluded that there is no evidence of bats within no. 115 Station Road or the outbuilding which would be demolished. The closure of a satellite badger sett would also be acceptable subject to an appropriate licence being granted by Natural England. The above recommendations are subject to the imposition of conditions that would require the submission of an updated bat survey if the outbuilding is not demolished before April 2019 (the start of the bat season) along with annual surveys starting from when the satellite sett is closed until the construction of the development to ensure that badgers are not put at risk. The mitigation plan within the ecology survey should also be followed. Given that such conditions could be imposed on any permission granted the proposed development would not result in any adverse impacts to protected species.

The County Council Ecologist has also commented that Ash trees to the western boundary are veteran trees which were designated as a Local Wildlife Site in 2014 and as such should be retained as part of the development. Whilst acknowledging this comment it is noted that as part of the consideration of application reference 14/00968/OUT some of the Ash trees would be removed, which the County Council Ecologist objected to at the time, but that a refusal against Paragraph 118 of the NPPF (now Paragraph 175 of the revised NPPF (2018)) could not be substantiated due to the sustainability benefits of the development outweighing the loss of the veteran trees, it being the case that other veteran trees could be retained.

Although landscaping is a reserved matter the amended layout identifies that Ash trees would be removed, in line with the recommendations of the Council's Tree Officer, which would correlate with the Ash trees proposed to be removed in connection with any reserved matters submission progressed in line with the extant outline permission (14/00968/OUT).

The terms of criterion (c) of Paragraph 175 of the NPPF differ to those formerly associated with Paragraph 118 in that there now needs to be 'wholly exceptional reasons' to lose veteran trees, however, it is also necessary to consider whether consent is required to fell the trees and whether the trees warrant protection by the serving of a Tree Preservation Orders (TPO). Given the advice of the Council's Tree Officer outlined in the 'Landscaping' section of this report above only four of the Ash trees warrant retention with it being the case that the health and condition of the trees proposed to be removed has deteriorated since the consideration of application reference 14/00968/OUT. On this basis the trees to be removed do not warrant a TPO and without a TPO there is no control from a planning perspective regarding the retention of these trees. Whilst, therefore, there is conflict with criterion (c) of Paragraph 175 of the NPPF, as well as criterion (g) of Part (2) of Policy En1 of the adopted Local Plan, it is considered that a reason to refuse the application based on the loss of some of the veteran trees could not be justified given that they could be removed at any time.

On balance it is considered that the conflict with criterion (c) of Paragraph 175 of the NPPF, as well as criterion (g) of Part (2) of Policy En1 of the adopted Local Plan, would not substantiate a reason to refuse the application with the imposition of conditions ensuring compliance with the broad aims of Policy En1 of the adopted Local Plan, Paragraph 175 of the NPPF and Circular 06/05.

Drainage and Flood Risk

The site lies within Flood Zone 1 (which has the lowest risk of flooding) and is not within an area impacted by surface water flooding as defined on the Environment Agency's Surface Water Flood Maps.

As part of the consideration of the application the Lead Local Flood Authority (LLFA) have been consulted and the consultation response received outlined that a surface water drainage strategy and infiltration testing, should the drainage strategy rely on infiltration methods, would need to be submitted before the LLFA would be able to advise on whether the proposed surface water drainage solution, being a soakaway, would be acceptable. Information to address this matter is awaited and once it is received reconsultation with the LLFA will be undertaken.

Subject to the LLFA raising no objections and their suggested conditions being imposed on any permission granted it is considered that the proposal would comply with Policies Cc2 and Cc3 of the adopted Local Plan, as well as Paragraph 163 of the NPPF, and would ensure the development would not exacerbate any localised flooding impact.

Insofar as foul drainage is concerned, it is indicated that this would be discharged to the mains sewer and again a connection would need to be agreed with Severn Trent Water under separate legislation and who have raised no objections to the application. Given the above conclusion it is considered that the foul drainage can be met by the existing sewerage system in place. On this basis the proposed development would accord with Paragraph 180 of the NPPF.

Archaeology

The Council's Conservation Officer, as well as the Parish Council, have outlined that the western part of the site contains archaeological earthworks although the precise location of these earthworks is not specified. As part of the consideration of the application the County Council Archaeologist has been consulted but no representation has been received outlining that any archaeological mitigation would be required as part of any permission granted. It was advised by the Council's Conservation Officer that to protect the historic significance of the earthworks permitted development rights should be removed for outbuildings as well as boundary treatments but such comments were based on the original layout which proposed dwellings, and their associated gardens, within the western part of the site which is no longer the case with the revised layout. It is also noted that such a condition was not imposed on the extant outline permission (14/00968/OUT) and as such it would now be unreasonable to impose a condition removing permitted development rights given that the implications of the proposed development to the archaeological earthworks would be no more significant than that previously assessed to be acceptable. On this basis no conflict with Paragraph 199 of the NPPF would arise.

Other Matters

The Council's Environmental Protection (Contaminated Land) Officer has raised no objections to the application subject to the imposition of conditions for a risk based land contamination assessment to be submitted given the potential for made ground to be present on the site. It is considered that the imposition of such conditions are reasonable in the circumstances that the land is to be utilised for residential purposes and therefore necessary to ensure the health and safety of future occupants. On this basis the proposal would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 178 and 179 of the NPPF.

In terms of matters associated with refuse and recycling it is considered that the highway would

be unlikely to be adopted by the County Highways Authority, given the number of dwellings it serves, but it would be constructed to an adoptable standard given the width of the internal access road as well as the provision of suitable sized turning heads which would enable a waste vehicle to manoeuvre. In the circumstances that the road is not adopted then it would be necessary for the applicant to indemnify the District Council against any damage caused to a private highway by waste vehicles entering the site and the applicant has identified that they would be willing to comply with this request which would be secured via a Section 106 obligation. In terms of the precise details of the bin collection areas and bin storage points these would be secured via a condition imposed on any consent granted.

Given that the proposal now relates to the provision of nine dwellings it would fall below the level of development where financial contributions to mitigate the impacts of the development or affordable housing would be required. On this basis there is no requirement to assess the development against Policies H4, H6, IF1 or IF3 of the adopted Local Plan or Paragraph 64 of the NPPF.

Conclusion

The application site is located within the Limits to Development where the principle of this form of development would be acceptable with the development also being within a socially sustainable location and not impacting adversely on the environment even though a greenfield site would be built upon. It is also the case that the principle of the development is established by virtue of the extant permission. The layout and access, as submitted, would also not impact adversely on the character and appearance of the surrounding locality, residential amenity, highway safety, ecology or existing landscaping considered worthy of retention, nor would the proposal exacerbate any localised surface water flooding impact. There are no other material planning considerations that indicate outline planning permission should not be granted and accordingly the proposal, subject to relevant conditions, is considered acceptable for the purposes of the above mentioned policies.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to conditions and no objections being raised by the Lead Local Flood Authority;

- 1. Timeframe for reserved matters.**
- 2. Approval of reserved matters details.**
- 3. Approved plans.**
- 4. Finished ground and floor levels as part of reserved matters.**
- 5. Construction traffic management plan.**
- 6. Priority workings/signage scheme for narrowing of internal access road.**
- 7. Provision of access.**
- 8. Vehicular and pedestrian visibility splays.**
- 9. Vehicle manoeuvring facilities.**
- 10. Off-street parking.**
- 11. Closure of existing access.**
- 12. Land contamination.**
- 13. Remediation/verification scheme.**
- 14. Foul drainage.**
- 15. Surface water drainage.**
- 16. Updated bat survey.**
- 17. Badger survey.**
- 18. Compliance with ecological mitigation scheme.**

19. Tree and hedge management and protection plan.
20. Elevation detail of rebuilt front boundary wall to no. 117 Station Road.
21. Bin stores and bin collection points.