Erection of two detached dwellings with garaging

18 Meadow Lane Coalville Leicestershire LE67 4DL

Applicant: Mr D Drury

Case Officer: James Mattley

Recommendation: PERMIT

Site Location - Plan for indicative purposes only



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Report Item No A5

Application Reference 14/00188/FUL

> Date Registered 4 March 2014

Target Decision Date 29 April 2014

EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application falls to be determined by the Planning Committee as the application has been called in by Councillor Wyatt as part of the DEL1 process.

Proposal

Planning permission is sought for the erection of two linked detached dwellings with garaging on land within the rear garden of No.18 Meadow Lane, Coalville. The subject property is a detached two storey dwelling, situated on the south-eastern side of Meadow Lane, east of the junction with Greenfields Drive. The site is located in a predominantly residential area with dwellings surrounding the site. The subject property is located within Limits to Development.

Consultations

A total of 32 objections have been received from surrounding neighbours. No other objections have been received from any other statutory consultees.

Planning Policy

The application site lies within the limits to development and in a sustainable settlement where the principle of residential dwellings are considered to be acceptable. Also material to the determination of the application and the weight that can be attached to these policies is the supply of housing in the context of the National Planning Policy Framework (NPPF).

Conclusion

The site is located in a sustainable settlement and the principle of the development is considered to be acceptable. The proposed development would be acceptable in terms of the residential amenities of existing and future occupiers, and would provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety subject to appropriate planning conditions. The scheme would not result in significant impacts upon protected species and there would be no flood risk or drainage issues. There are no other relevant material planning considerations that indicate planning permission should not be granted.

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 two linked detached dwellings with garaging on land within the rear garden of No. 18 Meadow Lane, Coalville. The subject property is a detached two storey dwelling, situated on the south-eastern side of Meadow Lane, east of the junction with Greenfields Drive. The site is located in a predominantly residential area with dwellings surrounding the site. The subject property is located within Limits to Development.

The two new detached dwellings, which would each have three bedrooms, would be accessed from Greenfields Drive and would each benefit from two car parking spaces; one within a garage unit and one car parking space in front of the garage.

Amended plans have been received during the course of the application to address officer concerns regarding overlooking and overbearing impacts. The amended details now show that Unit 1 would measure 6.5 metres in depth, 8.5 metres in width and would have a pitched roof measuring 5.0 metres in height to the eaves and 8.0 metres in height to the ridge. Unit 2 would be the same size as Unit 1 but would also benefit from a single storey rear extension that would measure 3.8 metres in length, 3.7 metres in width and would have a pitched roof measuring 2.9 metres in height to the eaves and 4.5 metres in height to the ridge. The garage block would measure 6.4 metres in length, 7.1 metres in width and would have a pitched roof measuring 2.9 metres in height to the eaves and 4.9 metres in height to the ridge.

No relevant planning history found.

2. Publicity

8 no. neighbours have been notified (Date of last notification 14 April 2014)

Site Notice displayed 7 March 2014

3. Consultations

County Highway Authority Severn Trent Water Limited NWLDC Tree Officer LCC ecology

4. Summary of Representations Received

County Ecologist has no comments or objections to this application.

County Highway Authority has no objections but offers standing advice in relation to car parking, visibility splays, set-back distances, surfacing, drainage and gradient.

Severn Trent Water has no objection to the proposal.

A total of 27 letters of representation have been received which object to the application on the following grounds:

_ trees have been removed from site;

_ dwellings immediately fronting the road are not in keeping with the surrounding area;

_ proposal would lead to overlooking, overshadowing and overbearing impacts on numerous

neighbours;

_ the level of off-street car parking is inadequate as the garages are unlikely to be used for parking;

_ proposal would lead to on-street car parking;

_ access arrangements are unsafe and unacceptable;

_ Greenfields Drive is already congested in the morning and the afternoon due to Broomleys School;

_ plot is too small to adequately and safely accommodate two dwellings;

_ development would be out of character with the surrounding area which is characterised by large plots and long driveways and gardens;

_ the dwellings would not benefit from a sufficient level of amenity space;

_ development contravenes the Council's Development Guidelines;

_ the site constitutes greenfield land;

_ the downstairs windows on the proposed dwelling contain a large obscured glass window;

_ there is no boundary separating the shared driveway;

_ although planning permission was granted for two dwellings across the road that site was bigger and the circumstances differ;

_ there would be disruption and inconvenience from the building work;

_ should the application be approved then the hours of construction should be controlled given the size of the site;

_ the rear garden areas of surrounding properties are frequently used and would be impacted upon;

_ the purpose of roof lights is unclear and they should be removed;

_ should planning permission be granted then permitted development rights should be removed.

5. Relevant Planning Policy

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 (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

The policies of the North West Leicestershire Local Plan as set out in more detail in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application. In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The NPPG does not change National Policy but provides practical guidance as to how such policies should be applied.

North West Leicestershire Local Plan

The North West Leicestershire Local Plan forms the development plan and the following policies of the Local Plan are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application:

Policy S2 sets out that development will be permitted on allocated sites and other land within the Limits to Development, where it complies with the policies of this Local Plan.

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 developments.

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, and presumes against residential development where the amenities of future occupiers would be adversely affected by the effects of existing nearby uses.

Policy E4 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 E8 requires that, where appropriate, development incorporates crime prevention measures.

Policy T3 requires development to make adequate provision for vehicular access and 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.

Submission Core Strategy (April 2012)

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy.

Other Policies

6C's Design Guide (Highways, Transportation and Development) - Leicestershire County Council

Paragraphs 3.171-3.176 set out the County Council's guidance in relation to parking standards for residential development. This document also provides further info in relation to motor

cycle/cycle parking, the design of on/off-street parking and other highway safety/design matters.

6. Assessment

Principle

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) i.e. allocated housing 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. The settlement of Coalville benefits from a range of local services and is readily accessible via public transport. The proposal for the erection of two new residential dwellings is, therefore, considered to score well against the sustainability advice in the NPPF.

The site is currently used as garden land, which is excluded from the definition of previously developed land set out in the NPPF, and therefore effectively constitutes a greenfield site. The NPPF states that decisions should encourage the effective use of land by re-using land that has been previously developed and that Local Planning Authorities should consider the use of policies to resist inappropriate development of residential gardens. The background to this issue is that in January 2010 the Government's Chief Planner (dated 19 January 2010) wrote to Local Planning Authorities to advise that garden land would no longer be considered previously developed land. This included an Annex which stated, amongst other things that, "where the clear strategy to deliver housing on preferred sites is demonstrably working, then authorities may consider a policy to prevent development on gardens. Alternatively authorities could consider a policy which would set out clearly the circumstances in which garden development will be acceptable". The Council at the present time cannot demonstrate a 5 year supply of deliverable housing land and does not have a specific policy that prevents development on gardens. As such a reason for refusal on the basis of the loss of part of the residential garden could not be justified in this instance particularly as the proposed development would be in keeping with the character of the area.

Residential Amenity

Consideration has been given to the impact of the development on surrounding residential properties. The most immediately affected dwellings would be 18 Meadow Lane (the host dwelling), 20 Meadow Lane, 25 Greenfields Drive and 26 Greenfields Drive.

In terms of the impact upon No.20 Meadow Lane, this is a two storey detached dwelling located off Greenhill Road. There would be a distance of around 19 metres between the rear corner of Unit 1 and the rear corner of this dwelling. At this distance it is not considered that there would be any impacts upon the main dwellinghouse. In terms of overbearing and overshadowing impacts, the two storey built development would be around 8.3 metres away from the boundary with this property and at this distance it is not considered that severe overbearing or overshadowing impacts would arise. It is considered that the main issue with regard to the scheme is with regard to overlooking issues towards the rear amenity area of No.20. The property benefits from a rear garden of some 40 metres in length although the site visit revealed that the bottom of the garden appears to be a well-used with greenhouses and a summerhouse.

The original plans that were submitted as part of the application included for a two storey rear element that would have resulted in a first floor bedroom window around 4.8 metres away from the rear boundary with 20 Meadow Lane. Such a relationship would have caused significant overlooking impacts and would not have been acceptable in relation to Policy E3 of the Local Plan. The height of the original garage (5.72 metres) in close proximity to the boundary with this dwelling would also have served to cause some overbearing and overshadowing impacts upon the rear amenity space of this dwelling. However, the amended plans have removed the first floor rear extension element from Unit 2 and have lowered the height of the garage to 4.94 metres and these alterations are considered to reduce the overlooking, overshadowing and overbearing impacts. Nevertheless, it is recognised that the main first floor rear windows to both dwellings would be around 8.3 metres away from the rear boundary with this dwelling and the occupiers of this dwelling consider this distance as inadequate to prevent significant overlooking issues. The Council can no longer rely on the standards contained in its former Development Guidelines (which suggested back-to-back distances of 22 metres and, therefore, rear garden lengths of 11 metres) and instead needs to take into account similar relationships in the area, the size of the garden being affected in relation to the overall garden size, the distance to the boundary and any other material considerations.

It is apparent that a very similar relationship (albeit possibly worse) exists directly opposite the application site and was granted planning permission in 2001 under planning application reference 01/01203/FUL. This application proposed two dwellings within the rear garden area of No.14 Meadow Lane and these dwellings have rear gardens measuring only 8.0 metres in length. Given that the Local Planning Authority has already found a similar relationship to be acceptable, it is not considered that the current application could be refused on overlooking issues.

With regards to the impact upon No's 25 and 26 Greenfields Drive, Unit 2 would be located in fairly close proximity to the boundary with these dwellings. The original plans that were submitted as part of the application included for a two storey rear element that would have resulted in a first floor bathroom window around 5.5 metres away from the boundary with these properties. Although this window could have been obscure glazed, it would still have led to perceived overlooking impacts and would not have been acceptable in relation to Policy E3 of the Local Plan. Amended plans have now been secured which have removed the first floor element from the extension to Unit 2. Taking this into account, including that Unit 2 would not have any side windows facing towards No's 25 and 26 Greenfields Drive, then it is not considered that any significant overlooking impacts there would be some impacts upon the rear amenity areas to these dwellings but given the orientation any impacts would be limited to latter parts of the day and, on this basis, the impacts are not considered to be so severe as to warrant a refusal of the application.

No.18 Meadow Lane is the host dwelling but it is still considered necessary to assess whether the proposed scheme would result in any significant overbearing, overshadowing or overlooking impacts upon the occupiers of this dwelling. There would be a distance of at least 14 metres between the rear elevation of No.18 and the side elevation of Unit 1. Given this distance, the orientation between the two properties and that Unit 1 would not contain any side windows, it is not considered to result in any significant overlooking, overbearing or overshadowing impacts upon the occupiers of this dwelling.

It is noted that further extensions to either property could result in impacts upon surrounding residential properties and, therefore, if planning permission is granted for this proposal it would be necessary to remove permitted development rights.

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. Given that the proposal relates to the erection of only two dwellings it is not considered to cause exceptional amenity harm and any statutory nuisances could be dealt with under separate legislation.

It is, therefore, deemed that the development would not have any significant detrimental impact upon neighbouring residential amenities and is considered to be acceptable in relation to Policy E3 of the Local Plan.

Design

The need for good design in new residential development is outlined not only in Local Plan Policy 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. Policy E4 indicates that in the determination of planning applications regard will be had to the wider settings of new buildings; new development should respect the character of its surrounding, in terms of scale, design, height, massing, materials of construction, the spaces between and around buildings and the street scene generally.

Properties along Meadow Lane are predominantly large detached dwellings set within long linear plots with the main dwellinghouse set back from the road whilst properties along Greenfields Road are predominantly semi-detached set within smaller plots with the main dwellinghouse set back from the road. The proposed dwellings would not be set back from the road and would be positioned in close proximity to the back of the pavement but it is not considered that this would be so detrimental to the visual amenity of the surrounding area as to warrant a refusal of the application.

Letters of objection consider that the rear garden sizes are too small in relation to the surrounding area and that the site is too small to accommodate the development. However, the proposed scheme includes for two car parking spaces per plot and rear gardens that are around 8.3 metres in length. The rear garden sizes are similar to those granted planning permission in 2001 under planning application reference 01/01203/FUL. Overall, it is considered the site can satisfactorily accommodate two dwellings with the associated amenity space and parking provision.

The proposed dwellings would be constructed in red brickwork, UPVC/timber windows and

doors and a tiled roof. It would be necessary to apply planning conditions with regard to the materials to ensure that they are appropriate in relation to the surrounding area.

The inclusion of obscure glazed windows on the ground floor front elevation is not a common arrangement but the applicant's agent has confirmed that a feature glazing pattern would be installed. This could be controlled through a suitably worded planning condition.

Overall, the design, appearance and scale of this proposal is considered to be acceptable and would not be completely out of character with the surrounding area and is not considered to conflict with Policy E4 and H7 of the Local Plan or the advice in the NPPF.

Highway Safety

The County Highway Authority has been consulted on the application and has no objections but offers standing advice in relation to car parking, visibility splays, set-back distances, surfacing, drainage and gradient. These matters could all be controlled through suitably worded planning conditions.

A number of letters of objection have been received in relation to the safety of the new access off Greenfields Drive and the lack of visibility that would be available from vehicles reversing out of the proposed driveway. Additional discussions have taken place with the County Highway Authority who confirm that the access arrangements and pedestrian/vehicular visibility splays are acceptable given the layout proposed and the limited speed of traffic along this stretch of road.

With regard to car parking, the Local Plan includes parking standards in the Annex (based on Leicestershire County Council parking standards) that seeks to ensure that no more than an average of 1.5 off-street car parking spaces are provided per dwelling, and were based on the advice contained in PPG3. PPG3 has now been superseded by the advice in the NPPF which is less prescriptive in terms of parking standards. The advice in the NPPF is that Local Planning Authorities should, amongst other things, take account of expected levels of car ownership, the type, mix, accessibility and use of the development and the opportunities for public transport.

In terms of car parking on the site, each 3 bedroomed dwelling plot would have access to two car parking spaces. The garages would be built in accordance with the internal dimensions recommended in the County Council's 6C's document which would ensure that they are large enough to accommodate a vehicle. The proposed parking arrangements provide an average of 2.0 car parking spaces per dwelling which is over and above the required level of 1.5 spaces per dwelling in the Local Plan. Whilst this level of car parking is over and above the level required by the Local Plan, it is noted the County Highway Authority raises no objections to the level of car parking and the submitted layout is acceptable in this regard. On this basis, the level of car parking is considered to be acceptable.

Concerns have been expressed about the level of car parking, the use of the road for parking in association with the nearby school and poor pedestrian visibility. The concerns of neighbouring residents in relation to highway safety are recognised. However, the County Highway Authority has no objections to the proposed development subject to relevant highway conditions. Therefore, it is not considered that the proposal would conflict with highway safety policies T3 and T8 in the Local Plan, the advice in the NPPF or the advice contained in the County Council's 6C's document.

Other

The previous removal of trees from the site would not have required planning permission as the trees were not protected by TPO and the site is not within the Conservation Area.

The Development Guidelines which were adopted as Supplementary Planning Guidance (SPG) in North West Leicestershire contained advice regarding, amongst other things, the design and scale of house extensions, the size of rear gardens and distances between existing and proposed development. However, as Policy H17 is not a saved policy then the guidelines no longer carry any statutory weight in the determination of planning applications.

There is no formal demarcation between the proposed car parking spaces but it is unclear as to why this is an unacceptable relationship and a similar example exists on Greenfields Drive.

Conclusion

The site is located in a sustainable settlement and the principle of the development is considered to be acceptable. The proposed development would be acceptable in terms of the residential amenities of existing and future occupiers, and would provide for an appropriate form of design that would be in keeping with the locality. The proposal would be acceptable in relation to highway safety subject to appropriate planning conditions. The scheme would not result in significant impacts upon protected species and there would be no flood risk or drainage issues. There are no other relevant material planning considerations that indicate planning permission should not be granted.

The District Council's decision to grant planning permission arose following careful consideration of the development plan and all other relevant considerations.

Therefore, it is recommended that full planning permission be granted, subject to and relevant planning conditions.

RECOMMENDATION - PERMIT, subject to the following conditions;

- 1 The development shall be begun before the expiration of three years from the date of this permission.
- Reason to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:

Drawing No. 14.100.05 A deposited with the Local Planning Authority on 14 April 2014; Drawing No. 14.100.06 A deposited with the Local Planning Authority on 14 April 2014; Drawing No. 14.100.07 A deposited with the Local Planning Authority on 14 April 2014; Site location plan deposited with the Local Planning Authority on 4 March 2014; Drawing No. 14.100.02 deposited with the Local Planning Authority on 4 March 2014; Drawing No. 14.100.01 deposited with the Local Planning Authority on 4 March 2014;

Reason - to determine the scope of this permission.

3 No development shall commence on site until representative samples of the materials to

be used in all external surfaces (including the feature glazing) has been submitted to and agreed in writing with the Local Planning Authority. The works shall be undertaken in accordance with the approved details.

- Reason to enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
- 4 Notwithstanding the provisions 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) none of the dwelling(s) hereby permitted shall be enlarged, improved or altered unless planning permission has first been granted by the Local Planning Authority.
- Reason to enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.
- 5 The boundary treatments, as shown on drawing number HMD/PD/0271/01 Rev B shall be implemented before the dwelling is occupied.

Reason - to preserve the amenities of the locality.

- 6 Before first use of the development hereby permitted, visibility splays of 2.4 metres by 33 metres shall be provided at the junction of the access with Greenfields Drive. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
- Reason 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.
- 7 Before first use of the development hereby permitted, 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

Reason - in the interests of pedestrian safety.

- 8 Before first occupation of any dwelling hereby permitted, car parking provision for the benefit of the proposed dwellings shall be made for each dwelling on the basis of 2 spaces for each dwelling. The parking spaces so provided shall not be obstructed and shall thereafter permanently remain available for car parking.
- 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.
- 9 Before first occupation of any dwelling, 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 metres behind the highway boundary and shall be so maintained at all times.

- Reason to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
- 10 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
- Reason to reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.
- 11 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.

Notes to applicant

- 1 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).
- 2 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England)) Order 2010 (as amended).
- 3 Written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97 per request. Please contact the Local Planning Authority on 01530 454666 for further details.