

---

Erection of 7 no. dwellings (Amended Scheme in respect of previously approved dwellings to plots 1-6)

Report Item No  
A9

Land To Rear Of 112 Park Lane Castle Donington Derby

Application Reference  
14/00554/FUL

Applicant:  
Mr James Matthews

Date Registered  
2 June 2014

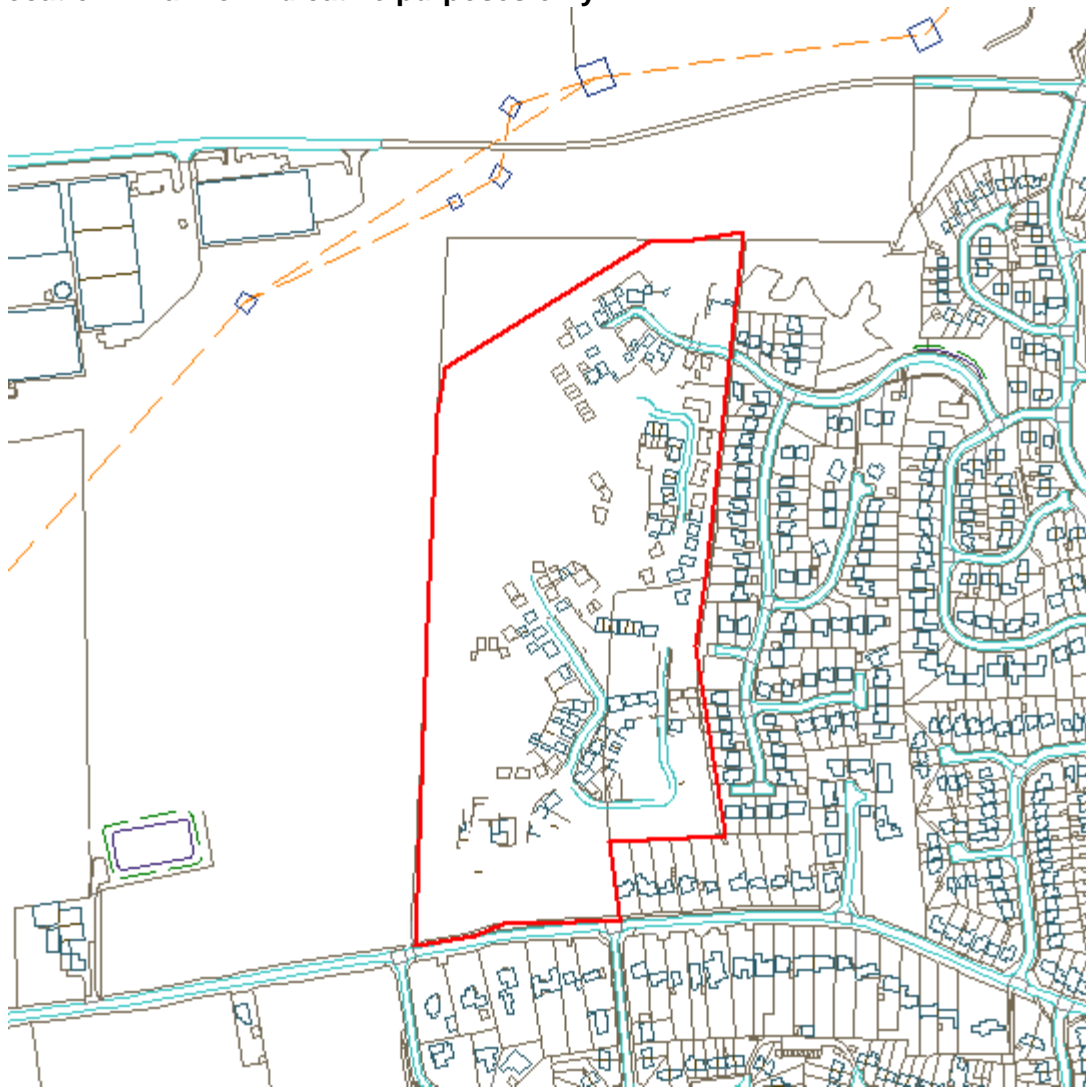
Case Officer:  
James Knightley

Target Decision Date  
28 July 2014

Recommendation:  
PERMIT Subject to a Section 106 Agreement

---

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

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

### **Proposal**

This application seeks full planning permission for 7 dwellings in lieu of 6 previously approved on this section of a wider residential development site (275 dwellings in total).

### **Consultations**

Members will see from the main report below that objections have been received in respect of the proposals (including from Castle Donington Parish Council); no other objections are raised by statutory consultees.

### **Planning Policy**

The application site lies within Limits to Development and is allocated for residential development under Policy H4 of the adopted North West Leicestershire Local Plan.

### **Conclusion**

The report below indicates that, whilst the proposed development would result in an additional dwelling on this part of the wider site, having regard to reductions in numbers of dwellings elsewhere on the site as a whole, the total number of dwellings would still not exceed site that originally permitted. The proposed development would, it is considered, be able to be undertaken in a manner acceptable in terms of provision of off-street car parking and residential amenity.

### **RECOMMENDATION:-**

### **PERMIT, SUBJECT TO SECTION 106 OBLIGATIONS, AND 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

This is a full application for the erection of 7 dwellings in lieu of 6 dwellings previously permitted on this part of the site under reserved matters approval ref. 10/01043/REM and 12/00952/VCIM.

The area of the site in question is located towards the south western part of the wider site, and includes the western-most of the proposed dwellings fronting onto Park Lane.

The application is referred to Planning Committee at the request of Councillor Saffell on the grounds of loss of car parking, insufficient garage sizes, exacerbation of existing parking problems on the estate and intensification of the development, moving it away from the open and rural character of the rest of the village.

### 2. Publicity

35 no. neighbours have been notified (Date of last notification 16 June 2014)

Site Notice displayed 26 June 2014

### 3. Consultations

Castle Donington Parish Council consulted 16 June 2014

County Highway Authority consulted 19 June 2014

Severn Trent Water Limited consulted 19 June 2014

LCC Development Contributions consulted 19 June 2014

Parks Manager consulted 19 June 2014

### 4. Summary of Representations Received

**Castle Donington Parish Council** objects on the basis of an over-intensive development and loss of off-road car parking, exacerbating existing parking issues within the development.

**Leicestershire County Council Developer Contributions Officer** notes that, as the development would not increase the overall number of dwellings, no further comments are required in respect of developer contributions

**Leicestershire County Council Highway Authority** has no objections subject to conditions

**Severn Trent Water** has no objections subject to conditions

### Third Party Representations

3 representations have been received, raising objection on the following grounds:

- Overlooking
- Loss of light
- Increased height compared to previous scheme
- Insufficient car parking
- Increased traffic
- Proposed change only for profit purposes
- No benefits to residents in existing new dwellings
- Detrimental to the aesthetics of the original scheme
- Misleading application site address / information within the notification letter

- Loss of property value
- Would set a precedent for further amendments
- Increased pressure on local infrastructure
- Increased noise
- Increased fire risk
- Animosity from residents in existing new dwellings
- More claustrophobic form of development

## 5. Relevant Planning Policy

### National Policies

#### *National Planning Policy Framework*

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.

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.

Save where stated otherwise, 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.

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

Paragraph 14 sets out the presumption in favour of sustainable development and, in respect of decision making, provides that, unless material considerations indicate otherwise, states that "this means:

- approving development proposals that accord with the development plan without delay;
- and
- where the development plan is absent, silent or relevant policies are out of date, granting permission 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."

"47 To boost significantly the supply of housing, local planning authorities should:  
 ...- identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land..."

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

"57 It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes."

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

"203 Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition."

"204 Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development."

### **Adopted North West Leicestershire Local Plan (2002)**

The site lies within Limits to Development and is allocated for residential development under Policy H4.

The following Local Plan policies are considered applicable to the current reserved matters application:

Policy H4 lists the sites allocated for housing including, amongst others, the application site (H4(i) - North of Park Lane, Castle Donington (9.2 ha; 200 units)).

In detail Proposal H4i (which relates to this site) provides that:

- "(i) Substantial block planting and landscaping will be required along the western boundary of the development area; and
- (ii) A financial contribution will be required towards the cost of providing additional school places generated by the development of this site."

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

Policy 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 H8 provides that, where there is a demonstrable need for affordable housing, the District Council will seek the provision of an element of affordable housing as part of any development proposal.

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.

Policy L21 sets out the circumstances in which schemes for residential development will be required to incorporate children's play areas. Further guidance is contained within the Council's Play Area Design Guidance Note Supplementary Planning Guidance.

Policy L22 provides that major new development will only be permitted where adequate provision is made for open space for formal recreation use.

## **Other Policies**

### **North West Leicestershire District Council Affordable Housing SPD**

Key Principle AH2 provides that affordable housing will be sought on all sites of 15 or more dwellings in the Castle Donington Area.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within the Castle Donington area.

## North West Leicestershire District Council Play Area Design Guidance SPG

The District Council's Play Area Design Guidance SPG sets out the relevant requirements in respect of children's play provision required in association with residential development.

### 6. Assessment

The principle of the development, and the suitability of the Park Lane access to accommodate up to 250 dwellings, was established by way of the earlier permissions referred to above.

Issues considered relevant to the determination of the outline and reserved matters approvals included the following:

- Air quality
- Visual / landscape impact
- Children's play / public open space / recreation
- Education facilities
- Library facilities
- Civic amenity / waste
- Healthcare facilities
- Affordable housing
- Archaeology
- Ecology
- Flood risk
- Design / site layout
- Highway safety

Having regard to the fact that the proposed dwellings would replace others previously approved under the earlier approvals, it is not considered that the proposed scheme raises any new issues in respect of the above issues. Whilst the proposed development would result in one additional residential unit over and above the number of dwellings approved on this section of the site under the previous re-plan of this phase, and whilst an earlier reconfiguration of Phase 5 also provided for an additional unit over and above the scheme it superseded, another revised scheme (for Phase 3) resulted in a net reduction of four units vis-à-vis the originally approved 275 for the site as a whole and, therefore, this figure would still not be exceeded.

In terms of neighbours' amenities, no adverse impact on any existing dwellings (and including those dwellings recently erected as part of the wider development currently underway) would be considered likely to result. Whilst objection has been raised regarding issues such as overlooking and loss of light to other recently constructed properties (and including by virtue of the height and positioning of the amended house types), it is not considered that the resulting relationships would lead to unacceptable amenity impacts. Similarly, the design of the proposed dwellings would be similar to other recently constructed dwellings within the site, and the scheme would not be considered to be out of character.

Insofar as car parking is concerned, whilst there would be fewer spaces per dwelling in the new scheme as compared to the approved one, all of these four bedroom dwellings would have a minimum of 3 spaces each (including garage space) which, it is considered, would be reasonable. All of the proposed dwellings would have four bedrooms; under the previously approved scheme, 4 no. four bedroom and 2 no. five bedroom dwellings were proposed in this section of the site as a whole. No objections have been raised by the County Highway Authority to the amended scheme.

In terms of developer contributions, the previous approvals made appropriate provision for infrastructure and for affordable housing. Whilst the scale of the proposed development falls below the usual thresholds for contributions, the development is part of a wider scheme for which contributions would be required. Therefore, in order to ensure that appropriate provision continues to be made, it is considered that Section 106 obligations ought to be entered into so as to secure the relevant contributions should the developers opt to implement the scheme the subject of this application in lieu of the existing approved scheme for this portion of the site as a whole.

It is therefore recommended that planning permission be granted.

**RECOMMENDATION- PERMIT, subject to Section 106 Obligations, and subject to the following condition(s):**

- 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 deposited with the Local Planning Authority on 2 June 2014, unless otherwise required by a condition of this permission:
  - Site location plan (M115\_LOC\_PH1-1) deposited with the Local Planning Authority on 2 June 2014
  - Topographical survey plan (M115\_CD003) deposited with the Local Planning Authority on 2 June 2014
  - Site layout (M115\_EM\_PH1\_01G) deposited with the Local Planning Authority on 22 July 2014
  - Proposed elevations and floor plans to Plot 1 (M115\_153G) deposited with the Local Planning Authority on 4 August 2014
  - Proposed elevations and floor plans to Plots 2 to 6A (inclusive) (412-PD-001, 412-PD-002, 454-PD-001, 454-PD-002, 412-PD-003, 421-PD-001 and 421-PD-002) deposited with the Local Planning Authority on 2 June 2014
  - Proposed garages (M115\_GAR\_001) deposited with the Local Planning Authority on 2 June 2014
  - Door and window (including porch, surround, head and cill) details (CE[13]22\_01, CE[13]22\_02, M115\_DET\_2.1, M115\_DET\_2.6, M115\_DET\_4.1, M115\_DET\_4.2, M115\_DET\_4.3, M115\_DET\_4.4, M115\_DET\_4.5, M115-DET\_4.7 Rev C and M115\_DET\_4.9) deposited with the Local Planning Authority on 2 June 2014
  - Midcourse, eaves and gable details (M115\_MCD\_001 Rev A, M115\_ED\_003, M115\_ED\_004 and M115\_ED\_011) deposited with the Local Planning Authority on 2 June 2014
  - Chimney details (M115\_DET\_CH01 and M115\_DET\_CH04)
  - Boundary and gate details (M115\_BD\_001)
  - Materials layout (M115\_MAT\_PH1/2/3\_01\_J)

*Reason - To determine the scope of this permission.*



- 3 Unless any alternative scheme is first submitted to and agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the scheme for the disposal of foul and surface water from the site approved by the Local Planning Authority on 13 July 2012 in respect of planning permission 11/00754/VCU. None of the dwellings hereby permitted shall be occupied until such time as the approved scheme (insofar as it relates to any dwellings within the application site) has been implemented in full.

*Reason - To ensure that satisfactory provision is made at the appropriate time for the disposal of foul and surface water.*

- 4 Unless any alternative scheme is first submitted to and agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the scheme for the provision and implementation of a Sustainable Drainage (SuDs) system approved by the Local Planning Authority on 13 July 2012 in respect of planning permission 11/00754/VCU. None of the dwellings hereby permitted shall be occupied until such time as the approved scheme (insofar as it relates to any dwellings within the application site) has been implemented in full.

*Reason - To ensure the satisfactory provision of drainage facilities to serve the proposed development and reducing the impact on flood risk, protecting rivers and enhancing the habitat potential of the development.*

- 5 Unless any alternative scheme is first submitted to and agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the scheme for the provision and implementation of surface water run-off limitation approved by the Local Planning Authority on 13 July 2012 in respect of planning permission 11/00754/VCU. None of the dwellings hereby permitted shall be occupied until such time as the approved scheme (insofar as it relates to any dwellings within the application site) has been implemented in full.

*Reason - To prevent the increased risk of flooding.*

- 6 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water highway drainage shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

*Reason - To prevent pollution of the water environment.*

- 7 Nothing other than uncontaminated excavated natural materials shall be deposited on the site.

*Reason - To protect the groundwater quality in the area.*

- 8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

*Reason - To protect the groundwater quality in the area.*

- 9 During the period of construction, any facilities above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the Local Planning Authority.

*Reason - To protect the groundwater quality in the area.*

- 10 Unless any alternative scheme is first submitted to and agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the scheme of archaeological work and recording submitted with and forming part of reserved matters application 10/01043/REM.

*Reason - To ensure satisfactory treatment of any significant archaeological remains.*

- 11 Unless any alternative scheme is first submitted to and agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the scheme of ecological mitigation measures set out generally in Sections 2.102 to 2.123 of the Environmental Report prepared by Wardell Armstrong, dated November 2007, and FPCR letter dated 22 June 2010 submitted pursuant to planning permission refs. 07/01844/OUTM and 11/00754/VCU.

*Reason - In the interests of nature conservation.*

- 12 Notwithstanding the submitted details, the total number of dwellings occupied on the site, when aggregated with all those occupied on the site to which North West Leicestershire District Council planning permission 07/001844/OUTM relates (save for those dwellings subject to reserved matters approval ref. 11/00655/REMM), shall not exceed 250 until such time as a scheme of alterations to the Park Lane / High Street / Delven Lane junction has been undertaken and implemented in full.

*Reason - To ensure that traffic generated from the site is satisfactorily catered for on the local road network and in the interests of highway safety.*

- 13 No construction works shall take place at any time unless vehicle wheel cleansing facilities are provided within the site and are available for use by all vehicles exiting the site before entering the highway.

*Reason - To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users.*

- 14 No development shall commence until such time as a scheme for off-street parking facilities (including any associated surfacing and marking out) for the various phases of the period of the construction of the development has been submitted to and agreed in writing by the Local Planning Authority. No construction works shall take place at any time unless the whole of the agreed construction parking provision in respect of the relevant phase (or any alternative scheme first agreed in writing by the Local Planning

Authority) has been formed and is available for use.

*Reason - To ensure that adequate off-street parking provision is made to reduce the possibilities of development of the site leading to on-street parking problems in the area during construction.*

- 15 Unless any alteration is first agreed in writing by the Local Planning Authority, the dwellings shall not be occupied at any time unless operated in accordance with the Travel Plan approved by the Local Planning Authority on 6 June 2014 in respect of planning permission 11/00754/VCU.

*Reason - To ensure that the proposed development is operated in a sustainable manner.*

- 16 Unless undertaken in accordance with an alternative schedule of materials first submitted to and agreed in writing by the Local Planning Authority, the development hereby permitted shall be carried out strictly in accordance with the details of external facing materials as shown on drawing no. M115\_MAT\_PH1/2/3\_01\_J.

*Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity.*

- 17 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence on site until such time as precise details of the treatment of all hard surfaces (including all access roads, footways, drives and parking / manoeuvring areas) within the development have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

*Reason - To ensure the development provides for a satisfactory form of design, in the interest of amenity, and in the interests of highway safety.*

- 18 The development hereby permitted shall be carried out in accordance with the proposed finished floor levels shown on drawing nos. M115\_EM\_PH1\_01G (when read in conjunction with the existing levels shown on drawing no. M115\_CD003).

*Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interest of amenity.*

- 19 None of the dwellings hereby permitted shall be occupied until the relevant dwelling's boundary treatment as denoted on drawing nos. M115\_EM\_PH1\_01G and M115\_BD\_001 has been implemented in full. Notwithstanding the provisions of Part 2 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) no gates, fences, walls or other means of enclosure (other than any approved pursuant to this condition, or as a replacement of such in the same location, constructed in the same materials, and at a height not exceeding that which it replaces) shall be erected, unless planning permission has first been granted by the Local Planning Authority.

*Reason - To preserve the amenities of the locality, in the interests of highway safety, to ensure that there is a clear and robust demarcation between public and private spaces and to ensure an appropriate form of design.*

- 20 Unless any alternative materials are first agreed in writing by the Local Planning

Authority, the proposed 1.8m high brick boundary walls as shown on drawing no. M115\_EM\_PH1\_01G to Plots 1 and 6A shall be erected in Ibstock Arden Red and Hanson Atherstone Red bricks respectively.

*Reason - To ensure the development takes the form envisaged by the Local Planning Authority, in the interest of amenity.*

- 21 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence on site until such time as precise details of all garage doors have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

*Reason - To ensure an appropriate form of design.*

- 22 Notwithstanding the submitted plans, nor Condition 2 above, no work shall commence on site until such time as precise details of the positioning and treatment of utility boxes to individual units have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

*Reason - To ensure an appropriate form of design.*

- 23 Notwithstanding the submitted plans, nor Condition 2 above, none of the dwellings shall be occupied until such time as precise details (including positioning) of all street name plates have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

*Reason - To ensure an appropriate form of design.*

- 24 Notwithstanding the submitted plans, nor Conditions 2, 18 and 19 above, no retaining walls / structures shall be erected unless in accordance with precise details (including in respect of external materials of construction) first submitted to and agreed in writing by the Local Planning Authority.

*Reason - To ensure the development takes the form envisaged by the Local Planning Authority, to ensure an appropriate form of design, and in the interests of amenity.*

- 25 Notwithstanding the provisions of Part 2 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) no direct vehicular access (other than that shown on the approved plans) shall be formed to Plot 1 unless planning permission has first been granted by the Local Planning Authority.

*Reason - In the general interests of highway safety.*

- 26 Notwithstanding the submitted plans, nor Conditions 2 and 18 above, the gradient of any 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.*

- 27 None of the dwellings hereby permitted shall be occupied until such time as drainage has been provided within the site such that surface water does not drain into the public

highway and, once provided, shall thereafter shall be so maintained.

*Reason - To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.*

- 28 No individual dwelling shall be occupied until such time as its associated car parking provision (including garage space(s) where applicable) has been provided in full in accordance with the details shown on the approved plans and, once provided, shall not be obstructed and shall thereafter be so maintained.

*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.*

- 29 No access shall be brought into use until such time as pedestrian visibility splays have been provided on both sides of the relevant access with nothing within those splays higher than 0.6 metres above ground level in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Once provided, the relevant splays shall thereafter be so maintained.

*Reason - In the interests of pedestrian safety.*

- 30 No dwelling served by a shared private access drive shall be occupied until such time as the relevant access drive has been constructed as shown on the approved plans and, once provided, shall thereafter be so maintained.

*Reason - To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway.*

- 31 No development shall commence on the site until such time as a landscaping scheme to accord generally with the principles shown on drawing no. M115\_EM\_PH1\_01G has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in the first planting and seeding season following either the first occupation or the bringing into use of the development hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority.

*Reason - To ensure satisfactory landscaping is provided within a reasonable period.*

- 32 Any tree or shrub which may die, be removed or become seriously damaged shall be replaced in the first available planting season thereafter and during a period of 5 years from the first implementation of the approved landscaping scheme or relevant phase of the scheme, unless a variation to the landscaping scheme is agreed in writing with the Local Planning Authority.

*Reason - To provide a reasonable period for the replacement of any trees.*

- 33 None of the dwellings shall be occupied until such time as the proposed pedestrian link adjacent to Plots 1 and 2 has been provided in full. Once provided the link shall thereafter be available for use by all pedestrians at all times such that unfettered access is available between the proposed vehicular access road serving the dwellings and Park Lane.

*Reason - To ensure that the development takes the form envisaged by the Local Planning Authority, in the interests of providing appropriate accessibility through the site.*

**Notes to applicant**

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).
- 2 The applicants are advised that, under the provisions of the Site Waste Management Plan Regulations 2008, the works may require the preparation of a Site Waste Management Plan (SWMP). Further information can be obtained from the Department for Environment Food and Rural Affairs at [www.defra.gov.uk](http://www.defra.gov.uk)
- 3 Your attention is drawn to the attached report of Leicestershire County Council's Director of Environment and Transport.
- 4 This decision is in accordance with the resolution of the Planning Committee of 2 September 2014 and is subject to a Section 106 Obligation.