Demolition of existing bungalow and the erection of three two storey dwellings

34 Copson Street Ibstock Coalville Leicestershire

Applicant: Mr Chris Dickman

Case Officer: James Mattley Report Item No A5

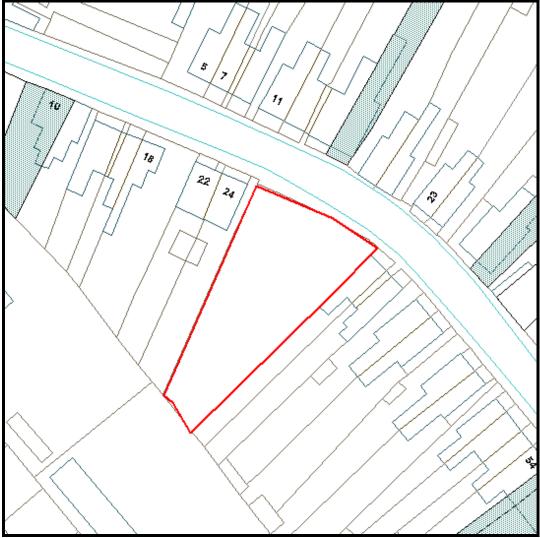
Application Reference 14/00898/FUL

> Date Registered 10 September 2014

Target Decision Date 5 November 2014

Recommendation: PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Decision

Proposal

This application seeks full planning permission for the demolition of an existing bungalow and the erection of three two storey dwellings terraced dwellings at 34 Copson Street.

Consultations

Members will see from the main report below that objections have been received in respect of the proposals from local residents but no other objections are raised by any 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, however, is the supply of housing in the context of the National Planning Policy Framework (NPPF) and whether the scheme represents sustainable development.

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. There are no other relevant material planning considerations that indicate planning permission should not be granted.

RECOMMENDATION:- PERMIT, SUBJECT TO THE IMPOSITION OF CONDITIONS

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

MAIN REPORT

1. Proposals and Background

This application seeks full planning permission for the demolition of an existing bungalow and the erection of three two storey dwellings terraced dwellings at 34 Copson Street. The application site consists of a single storey dwelling, situated on the southern side of Copson Street. The site is located in a predominantly residential area with dwellings surrounding the site. The subject property is located within Limits to Development.

Amended plans have been received during the course of the application in order to address officer concerns over the design and appearance of the originally submitted scheme. The amended scheme consists of three two storey terraced properties that would front onto Copson Street with a rear parking courtyard providing two car parking spaces per dwelling.

The application is accompanied by a design and access statement.

The application has been called in by Councillor De Lacy as he considers the matter to be of public interest.

Relevant Planning History:

14/00479/FUL - Demolition of existing bungalow and the erection of four two storey dwellings - withdrawn.

Pre-application advice has been carried out prior to the formal submission of this application.

2. Publicity

19 no. neighbours have been notified (Date of last notification 3 November 2014)

Site Notice displayed 9 October 2014

3. Consultations

Ibstock Parish Council consulted 1 October 2014 County Highway Authority consulted 3 November 2014 Severn Trent Water Limited consulted 3 October 2014 LCC ecology consulted 3 October 2014

4. Summary of Representations Received

A total of 11 representations have been received objecting to the application on the following grounds:

_ proposal would impact upon existing car parking;

_ would not be able to get in and out of the access given the amount of on-street car parking;

- _ would not object to a reduced number of dwellings on the site;
- _ construction will cause noise, disturbance and dangerous road conditions;

_ level of on-street car parking sometimes results in the pavements being inaccessible;

_ new occupiers may not use the dedicated car parking to the rear and instead may park on the street;

- _ the existing bungalow is not dilapidated and could be renovated;
- _ the modern houses would not be in character with the existing houses in the street;
- _ proposal would result in overlooking to properties over the road;

- _ the proposal would result in a cramped form of development;
- _ the existing services/facilities in lbstock are already operating at over-capacity;
- _ there is asbestos on the site;
- _ the amended plans do not address the previous concerns regarding parking.

County Ecologist has no objections and there is no need for further survey work.

County Highway Authority has no objections subject to the inclusion of relevant conditions.

Ibstock Parish Council has not responded to the planning consultation.

by email and post

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.

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.

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."

"32 All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the

nature and location of the site, to reduce the need for major transport infrastructure;

- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."

"34 Plans and decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas."

- "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."

"59 Local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

"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."

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 and Sustainability

The site is located within the limits to development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted North West Leicestershire Local Plan and other material considerations.

Policy H4/1 of the Local Plan relating to the release of land for housing states that a sequential approach should be adopted. Whilst a sequential approach is outdated in the context of the NPPF, 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 lbstock benefits from a range of local services and is readily accessible via public transport. The proposal for the erection of new residential dwellings is, therefore, considered to score well against the sustainability advice in the NPPF.

The NPPF requires that the Council should be able to identify a five year supply of housing land and include an additional buffer of 5% or 20% depending on previous performance in terms of delivery of housing. On this basis, the District Council's most recent calculations indicate that the Council is able to demonstrate a housing supply of 6.18 years (including a 20% buffer). Approval of this scheme, which is located within the limits to development, would make a small but meaningful contribution to increasing/maintaining the District's housing land supply.

Having regard to all of the above it is considered overall that the proposed development would represent sustainable development and would be acceptable in principle.

Density and Design

Policy H6 of the North West Leicestershire Local Plan seeks to permit housing development which is of a type and design to achieve as high a net density as possible, taking into account factors such as housing mix, accessibility to centres and design. Policy H6 of the North West Leicestershire Local Plan also requires a minimum density of 40 dwellings per hectare within locations well served by public transport and accessible to services and a minimum of 30 dwellings per ha elsewhere. The NPPF states that Local Planning Authorities should set out their own approach to housing density to reflect local circumstances.

The site area is stated as 0.075 hectares and therefore the presence of three dwellings on the site would result in a density of 40 dwellings per hectare. This density is in accordance with the minimum density outlined in Policy H6. Regardless of this it necessary to consider the design of the proposal and this is considered in more detail below.

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.

This part of Copson Street is characterised predominantly by traditional terraced and semidetached properties located toward the front of linear plots with boundaries well defined and with buildings that are well detailed with strong chimneys and window and brick detailing, and well-proportioned properties with a strong vertical emphasis that provides a rhythm to the streetscene. The street contains buildings that generally have strong characteristics and make a positive contribution to the locality. The existing bungalow on the site is at odds with the prevailing character of development on the street and it is considered that surrounding properties in the locality should be used to inform the development of the application site.

A previous application that was submitted on the site provided for four dwellings that were set back from Copson Street with car parking to the front. The application was withdrawn but such an arrangement would not have been acceptable in relation to Policy H7, E4 or the design advice contained within the NPPF.

The current application is accompanied by a street scene drawing that shows the proposed dwellings in relation to the two adjacent dwellings (No's 24 and 36). The new dwellings would have a ridge height that is approximately in line with the ridge height of No.36 Copson Street and 1.6 metres lower than No.24 Copson Street. The new dwellings are considered to respect the existing topography on the site and would not, by virtue of their height, be uncharacteristic of the surrounding street scene. The current application also includes for dwellings that are located in close proximity to the back of the footpath with bay window details, stone lintels and chimneys which would ensure that the design and appearance of the properties are in keeping with the surrounding area.

As the proposal includes for frontage development, the car parking is to be provided in a rear parking courtyard. Whilst the surveillance of this area is not ideal, it would serve only three dwellings and suitable lighting and surfacing could be secured through appropriate conditions.

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

Residential Amenity

Consideration has been given to the impact of the development on surrounding residential properties. The most immediately affected dwellings would be the two adjacent dwellings; No.36 is a two storey semi-detached property to the south-east and No.24 is a two storey semi-detached property to the north-west.

In terms of the neighbouring dwellings neither property has main habitable windows located on the side elevations and the new dwellings would be constructed generally in line with the existing properties. Such an arrangement would help to ensure that the new terraced properties do not cause significant overlooking, overbearing and overshadowing issues. There would be a first floor window on plot 1 that would provide an oblique view towards the rear amenity space of No.36 but this would not be an uncommon relationship.

The car parking arrangements would result in vehicular movements in close proximity to the residential amenity space of No.24 and there would also be the noise of vehicle engines starting

up and doors opening and closing arising from the rear car parking courtyard. However, it is noted that the rear car parking courtyard would only serve three properties which would ensure that the number of vehicle movements would not be extensive, the plan shows for landscaping within the courtyard and it would be possible to attached conditions to any planning permission to ensure that a suitable boundary treatment is erected and maintained in this area. It is also noted that both neighbouring properties have long rear gardens measuring over 30 metres. The arrangement proposed would not be too dissimilar to having a development on a corner site with a road running close to the dwelling and its rear garden, which was considered in an appeal suitable vardstick for acceptable standard Ref: to be an an (Appeal APP/G2435/A/08/2065885/WF). When having regard to all of these issues it is not considered that the proposed car parking arrangements would result in significant noise and disturbance to surrounding residents.

The relationship between the new properties and those properties over the road would be no different to any other part of Copson Street and such a relationship is not considered to result in overlooking, overbearing or overshadowing issues.

In terms of the objections raised over construction noise it is considered that this is an inevitable temporary, manifestation of any development project, which is not the concern of the planning system unless there would be exceptional amenity harm. When this is the case, a planning condition restricting hours is often applied but in this instance given that only three dwellings would be constructed on the site, it is considered that the imposition of an hours condition would be unreasonable.

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.

Highway Safety

A new access would be formed in the north-west part of the application site that would lead to a rear parking courtyard providing a total of six car parking spaces. Concern has been expressed from surrounding neighbours regarding the safety of the access, the lack of visibility at the access due to on-street car parking and the proposal preventing existing residents from parking on Copson Street.

In terms of car parking, each of the new dwellings would have access to two off-street car parking spaces. As the Local Plan requires an average of 1.5 spaces per dwelling it is considered that the proposal would provide a sufficient level of parking that would not lead to on-street car parking issues. A condition is recommended that these off-street car parking spaces remain available for use at all times.

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 or the advice in the NPPF or the County Council's 6C's document.

Other

Any issues regarding asbestos on the site would be dealt with under separate legislation.

The structural stability of the dwelling in this instance is not considered to be a material planning consideration given that the site is located within the limits to development.

Conclusion

The site is located within the limits to development and is considered to be in a sustainable location. On this basis, 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. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the Local Plan and the advice in the NPPF. It is therefore recommended that the application be permitted.

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. 34CS-RESDEV-(PA)#004A deposited with the Local Planning Authority on 28 October 2014;

Drawing No. 34CS-RESDEV-(PA)#003A deposited with the Local Planning Authority on 28 October 2014;

Existing site plan deposited with the Local Planning Authority on 10 September 2014; Site location plan deposited with the Local Planning Authority on 10 September 2014;

Reason - To determine the scope of this permission.

- 3 Prior to the commencement of any part of the development representative samples of the materials to be used in all external surfaces shall be 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 submitted plans, nor Condition 2 above, no development 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) 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.

5 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on the site until such time as a landscaping scheme 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.

6 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.

Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on the site until such time as a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railings and other means of enclosure) has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be brought into use until such time as the approved scheme has been implemented in full (unless an alternative timescale is first agreed in writing by the Local Planning Authority). 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) shall be erected, unless planning permission has first been granted by the Local Planning Authority.

Reason - To preserve the amenities of the locality, and to ensure an appropriate form of design.

8 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on site until such time as precise details of the positioning and treatment of utility boxes to the dwelling 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.

9 No development shall commence on site until such time as detailed finished floor levels and site levels (in relation to a fixed datum point) have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed details.

Reason - To ensure appropriate land levels.

10 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), the dwelling hereby approved shall not be enlarged,

improved or altered, nor shall any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses be provided unless planning permission has first been granted by the Local Planning Authority.

- Reason To enable the Local Planning Authority to retain control over future development in view of the form and density of the development proposed.
- 11 Before first use of the development hereby permitted, the vehicular access to the site shall be widened to an effective minimum width of 4.25 metres over a distance of at least 5 metres behind the highway boundary. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained.

NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

- 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.
- 12 No vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access.
- Reason To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic, including pedestrians, in the public highway.
- 13 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.
- 14 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.
- 15 Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently 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.
- 16 Before first use of the development hereby permitted 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.)
- 17 No development shall commence on site until such time as a scheme of lighting to the rear car parking courtyard has been submitted to and agreed in writing with the Local Planning Authority. The scheme shall be carried out in accordance with the agreed scheme and once provided shall be maintained in perpetuity.

Reason - To preserve the amenities of the locality, and to ensure an appropriate form of design.

Notes to applicant

- 1 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.
- 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 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)