

Erection of 41 dwellings and associated infrastructure including the provision of play space and combined cycle and footpath (resubmitted 14/00520/FULM)

Report Item No
A1

Land At Wells Road And Willesley Road Ashby De La Zouch Leicestershire LE65 2QD

Application Reference
15/00196/FULM

Applicant:
Mrs Hannah Guy

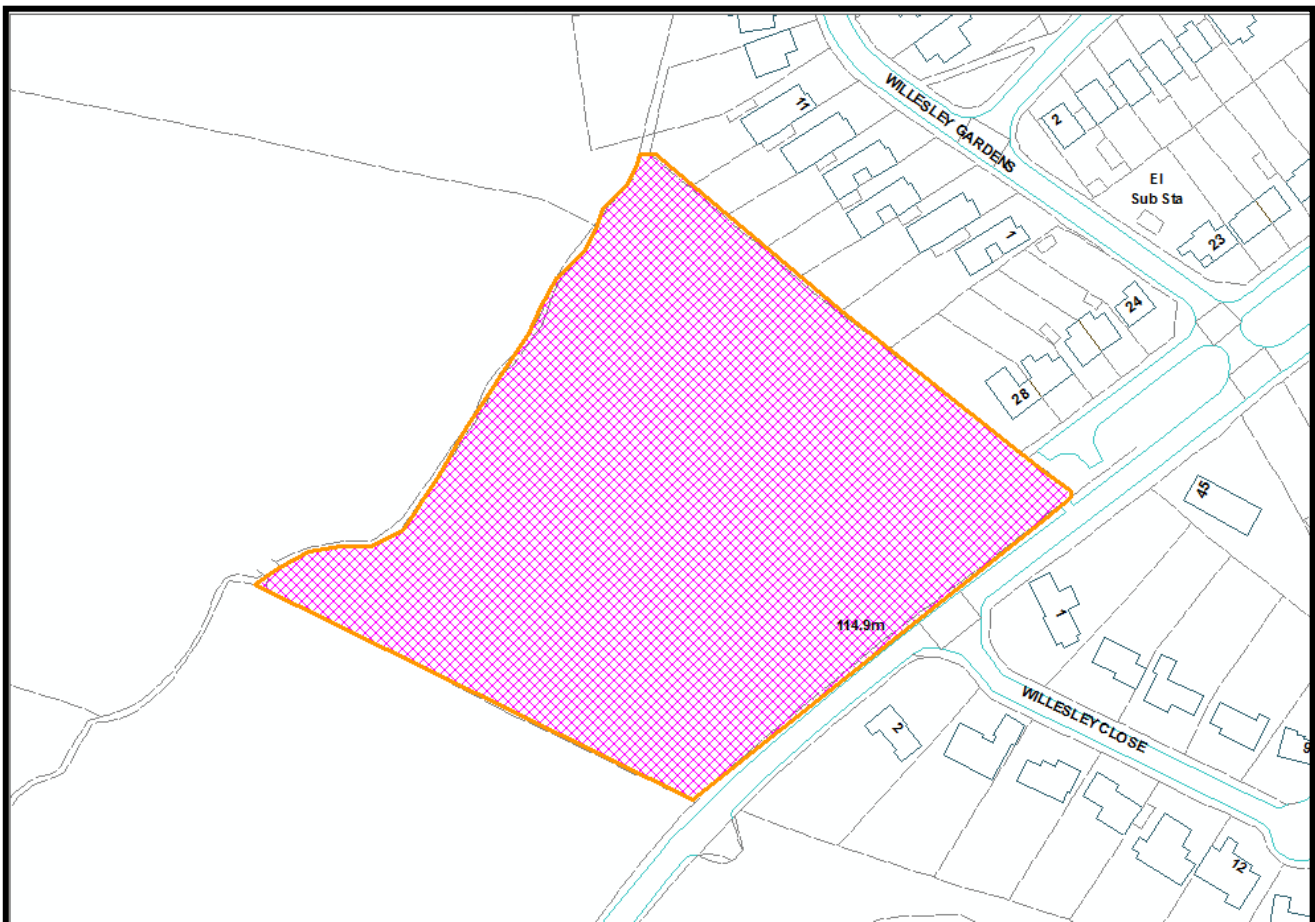
Date Registered
6 March 2015

Case Officer:
Ebony Mattley

Target Decision Date
5 June 2015

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Reason for Call In

The application is reported to the Planning Committee, as it is an application of public interest and raises matters which should be referred to the Planning Committee for consideration.

Proposal

Members may recall that this application was reported to, and was undetermined at, the 9 June 2015 Planning Committee. The applicants have now formally requested the application be reported back to Planning Committee.

The application is identical in form to that presented at the previous Planning Committee and therefore remains with a recommendation to permit, subject to the signing of the S106 Agreement and planning conditions.

This application seeks full planning permission for forty-one dwellings, comprising twenty-nine open market dwellings and twelve affordable dwellings at land at Willesley Road, Ashby.

Access to the site would be from Willesley Road to the east of the site and a combined pedestrian/cycle route is proposed from the north east corner of the site with Willesley Gardens, to the northern boundary of the site.

Consultations

Members will see from the main report below that there are 97 objections to the scheme, and an objection from Ashby Town Council. There are no other objections raised from statutory consultees.

Planning Policy

The application site is located outside the Limits to Development as defined in the adopted North West Leicestershire Local Plan. Also relevant, is the District's housing land requirements, and the need as set out in the National Planning Policy Framework, (NPPF) to demonstrate a five year supply.

Conclusion

Planning permission has previously been refused for an identical scheme, at this site at Planning Committee in November 2014. The applicant has submitted additional information to seek to overcome the previous reason for refusal.

Whilst the site is further from services, than the desired standards, it is considered that given the comparable distances with the site at South of Moira, Road and Ashby and at land Between Burton Road and Moira Road, Shellbrook, that a strong case has been made concerning the sustainability of the site.

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The proposed development would be acceptable in terms of density, layout and scale, trees, residential amenities, highway safety, flood risk and drainage, archaeological, ecological impacts and impact on the River Mease SAC/SSSI and no other technical issues have arisen. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities/services. There are no other relevant material planning considerations that indicate planning permission should not be granted.

It is therefore recommended that planning permission be granted, subject to conditions and the signing of the S106 Agreement.

RECOMMENDATION: PERMIT, subject to the signing of the Section 106 Agreement and 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 recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Members may recall that this application was reported to, and was undetermined at, the 9 June 2015 Planning Committee. The applicants have now formally requested the application be reported back to Planning Committee.

The application is identical in form to that presented at the previous Planning Committee and therefore remains with a recommendation to permit, subject to the signing of the S106 Agreement and planning conditions.

This application seeks full planning permission for forty-one dwellings, comprising twenty nine open market dwellings and twelve affordable dwellings at land at Willesley Road, Ashby.

Members are advised that this application was previously considered at the November 2014 Planning Committee, where the application was refused, based upon its un-sustainable location, remote from services and contrary to Saved Policy S3 of the Local Plan and the overarching intentions of the NPPF. Accordingly in seeking to overcome the previous reason for refusal, the applicant has submitted a sustainability statement and iso-distance plans to show services and approved development within Ashby, in support of their application.

For the avoidance of doubt the number of plots on site is 35, but the overall number of individual units is 41, resultant of the eight, 1 bedroomed affordable units.

The open market dwellings are made up of 2 x two beds, 16 x three beds, 11 x four beds, with the affordable comprising 8 x one beds, 2 x two beds and 2 x three beds.

The scheme proposes areas of play space and a balancing pond to the north-west border of the site. Access to the site would be from Willesley Road to the south east of the site and a combined pedestrian/cycle route is proposed from the south east corner of the site with Willesley Gardens, to the north-west boundary of the site. The combined pedestrian/cycle route is then proposed to be extended beyond the site to the Hicks Lodge Cycle Centre (which is to be secured through the Section 106 Agreement.) A separate agricultural access is also proposed from the site to the north- west boundary.

One ash and two lime trees are sited close to the access point with the two lime trees proposed to be removed to facilitate the access. An informal, un-designated footpath runs to the north east boundary of the site parallel to the rear gardens of Willesley Gardens. The site is in arable, agricultural use and is located outside Limits to Development, as identified in the North West Leicestershire Local Plan 2002.

The application is accompanied with an Arboricultural Assessment, Archaeological Desk Based Assessment and Field Walking Survey, Building for Life 12 Assessment, Draft Heads of Terms, Design and Access Statement, Ecological Appraisal, Flood Risk Assessment, Geophysical Survey Report, Landscape and Visual Appraisal, Planning Statement, Site Sustainability Appraisal, Transport Statement

Planning History:-

14/00520/FULM - Erection of 41 dwellings and associated infrastructure including the provision of play space and combined cycle and footpath - Refused - 07.11.2014.

72/4243/02 - Erection of dwellings and formation of access - Refused - 07.09.72.

2. Publicity

142 No neighbours have been notified. Last notified 09 March 2015

Press Notice published 18 March 2015

Site Notice posted 12 March 2015

3. Consultations

Ashby De La Zouch Town Council consulted 09 March 2015

LCC Ecology consulted 09 March 2015

County Highways Authority consulted 09 March 2015

NWLDC Urban Designer consulted 09 March 2015

NWLDC Tree Officer consulted 09 March 2015

LCC Footpaths consulted 09 March 2015

LCC Development Contributions consulted 09 March 2015

County Plannings Authority consulted 09 March 2015

Environmental Agency consulted 09 March 2015

County archaeologist consulted 09 March 2015

National Forest Company consulted 09 March 2015

NWLDC Manager of Housing consulted 09 March 2015

NHS Leicestershire & Rutland consulted 09 March 2015

Severn Trent Water consulted 09 March 2015

Natural England consulted 09 March 2015

Police Architectural Liason consulted 09 March 2015

Head of Environmental Protection consulted 09 March 2015

Head of Leisure consulted 09 March 2015

Development Plans consulted 09 March 2015

4. Summary of Representations Received

Statutory Consultees:

Ashby Town Council raise objection on the following grounds:-

- Not consistent with the character and appearance of the local landscape
- Outside of the established urban area of Ashby, open countryside and at the heart of the National Forest
- The location has been given the landscape quality of 9 which is the highest value of all the sites in Ashby
- Not in accordance with the NPPF in terms of achieving and delivering sustainable development and conserving and enhancing the natural and historic environment
- Concerns regarding the ingress and egress from Willesley Road and the County Council has installed speed bumps indicating that there are concerns with speeding
- Streetscenes are out of character with the surrounding area, poor and unsympathetic design

Natural England has confirmed that the proposal is not likely to have a significant effect on the River Mease Special Area of Conservation and therefore raises no objection, subject to condition. Natural England has also confirmed that the scheme will not impact upon the River

Mease Site of Special Scientific Interest (SSSI) and therefore raises no objection subject to the imposition of conditions.

Severn Trent Water raises no objection, subject to condition.

The Environment Agency raises no objection, subject to condition.

National Forest Company has confirmed that a surfaced footpath and cycleway through the site and the adjoining field to the cycle centre would be acceptable as a contribution towards the National Forest from this development.

The County Highway Authority raises no objection subject to the imposition of planning conditions.

The County Footpaths Officer is supportive of the route proposed for the cycleway within the site and beyond.

The County Archaeologist considers that the site has low archaeological potential and consequently no further archaeological requirements have been recommended.

The County Ecologist raises no objection subject to conditions.

NWLDC Affordable Housing Enabler is satisfied with the provision and tenure of the proposed affordable units on site.

NWLDC Environmental Protection has no environmental observations.

NWLDC Urban Design Officer has confirmed that subject to the imposition of conditions, the scheme would perform positively against Building for Life and would therefore be consistent with the Council's aspirations.

NWLDC Tree Officer raises comments in respect of the positioning of plots in relation to existing trees.

Third Party Representations

Accumulatively 188 letters of objection (from 100 different addresses) have been received raising the concerns around the following areas-

- a) Principle of development, contrary to policies and un-sustainable and preference for brownfield first
- b) Impact upon the character and landscape - given the high landscape quality of 9
- c) High density, intensive form of development
- d) The streetscenes are completely out of character with the surrounding area and adjacent properties
- e) Highway Safety
- f) Existing inadequate infrastructure/services/amenities to accommodate the development
- g) Drainage and Floodrisk
- h) Wildlife
- i) Assumptions and misleading information within the reports
- j) Modification order to register the existing footpath/cycletrack through the site is currently awaiting determination by the County Council.

- k) Noise and discomfort to existing residents and disruption during construction
- l) A revised assessment of the water course should be undertaken
- m) De-valuation of property prices - what compensation will residents receive?
- n) It is irrational not to make the TPO as soon as possible
- o) The National Forest's minimum requirements of 20% of the site are not met
- p) A designated children's play area is included but no mention of an enforceable commitment for its maintenance which would evoke safety issues.
- q) In a dismissed appeal in Warwickshire - this did not have a formal landscape designation. The Inspector stated that overall the site has value in landscape terms and as a consequence of being valued locally
- r) In a dismissed appeal in Gloucestershire - The Inspector stated concluded that although the site was not covered by special landscape designation, its intrinsic attractiveness and easy access for the public gave it some value
- s) Packington Nook has many similarities and the appeal site was not in a sustainable location and no need for the development in that location to meet any specific economic needs. This site is even further away from the town centre facilities, key services and employment and is not required for economic need

All responses from statutory consultees and third parties are available for Members to view on the planning file.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

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 listed 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 (Presumption in favour of sustainable development)
- Paragraph 32 (Promoting sustainable transport)
- Paragraph 34 (Promoting sustainable transport)
- Paragraph 47 (Delivering a wide choice of high quality homes)
- Paragraph 49 (Delivering a wide choice of high quality homes)
- Paragraph 54 (Delivering a wide choice of high quality homes)
- Paragraph 57 (Requiring good design)
- Paragraph 59 (Requiring good design)
- Paragraph 61 (Requiring good design)
- Paragraph 64 (Requiring good design)
- Paragraph 100 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 101 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraph 109 (Conserving and enhancing the natural environment)

Paragraph 112 (Conserving and enhancing the natural environment)
Paragraph 118 (Conserving and enhancing the natural environment)
Paragraph 119 (Conserving and enhancing the natural environment)
Paragraph 110 (Conserving and enhancing the natural environment)
Paragraph 123 (Conserving and enhancing the natural environment)
Paragraph 129 (Conserving and enhancing the natural environment)
Paragraph 203 (Planning conditions and obligations)
Paragraph 204 (Planning conditions and obligations)

North West Leicestershire Local Plan:

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S1 sets out 13 criteria which form the strategy for the adopted Local Plan.

Policy S3 - Countryside
Policy E2 - Landscaped Amenity Open Space
Policy E3 - Residential Amenities
Policy E4 - Design
Policy E7 - Landscaping
Policy E8 - Crime Prevention
Policy F1 - National Forest General Policy
Policy F2 - Tree Planting
Policy F3 - Landscaping and Planting
Policy T3 - Highway Standards
Policy T8 - Parking
Policy H4/1 - Housing Land Release
Policy H6 - Housing Density
Policy H7 - Housing Design
Policy H8 - Affordable Housing
Policy L21 - Children's Play Areas

Other Guidance

National Planning Practice Guidance - March 2014.

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

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

River Mease Water Quality Management Plan - August 2011.

River Mease Development Contributions Scheme - November 2012.

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 Ashby.

Key Principle AH3 requires a minimum of 30% of residential units to be available as affordable housing within Ashby de la Zouch.

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.

6Cs Design Guide (Leicestershire County Council)

The 6Cs Design Guide sets out the County Highway Authority's requirements in respect of the design and layout of new development.

6. Assessment

The main considerations with regards to this application are the principle of development and assessing the previous reason for refusal, density, layout and design, impact upon residential amenity, highway considerations, public footpaths and cycle routes, impact upon trees, protected species/ecology, archaeology, drainage and flood risk, the impact upon the River Mease Special Area of Conservation/SSSI, developer contributions and other matters.

Principle of development and assessing the previous reason for refusal

Members are advised that planning permission was refused at the November 2014 Planning Committee for the following reason:-

"Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development; Paragraph 7 defines sustainable development (and including its environmental dimension) and also provides that the planning system needs to perform an environmental role, including in respect of protecting and enhancing our natural environment and using natural resources prudently. Policy S3 of the Adopted North West Leicestershire Local Plan sets out the circumstances in which development outside of Limits to Development would be acceptable. The introduction of residential development on this undeveloped site, outside Limits to Development, remote from services would constitute unsustainable development, contrary to the policies and intentions of the NPPF and Saved Policy S3 of the North West Leicestershire Local Plan."

Residential development on an "un-developed site, outside Limits to Development"

Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2002 (as amended)).

The application site lies outside the Limits to Development of Ashby, as defined by the proposals map of the adopted Local Plan and therefore falls to be considered against Saved Policy S3 of the Local Plan. In applying weight to any conflict with Policy S3 in the overall planning balance, it is important to bear in mind the fact that the Limits to Development as defined in the adopted Local Plan were drawn having regard to housing requirements only up until the end of that Plan Period (i.e. to 2006). It is therefore considered inevitable that greenfield land will need to be released in order to maintain a five year supply of deliverable sites, as well as (as in this case) land not allocated for housing development in the adopted Local Plan.

Saved Policy H4/1 is also of relevance and identifies the criteria for in releasing "appropriate" land for housing. The settlement boundary of Ashby runs along the rear gardens of Willesley Gardens incorporating Willesley Close and 'The Paddocks' to the south, accordingly the application site abuts the settlement boundary along its north east, east and south east boundaries. The site is therefore bordered by residential development to two boundaries - to the north east by Willesley Gardens and to the south east by Willesley Close and does not

extend or encroach any further to the south of the settlement of Ashby, than Willesley Close.

As the Authority is able to demonstrate a five year supply of housing, including an additional 20% buffer, Saved Policies S3 and H4/1 are considered to be relevant and in date, in the context of Paragraph 49 of the NPPF (subject to the weight to be attached to Policy S3 as a material consideration being adjusted having regard to the plan period issue as set out above).

Insofar as the site's location is concerned, whilst the site it is located outside of Limits to Development, the site is well related to the settlement boundary, is bounded by existing development, as set out above and is not therefore considered to be an isolated development in the countryside.

Sustainability credentials of the site

In seeking to overcome the previous reason for refusal, the applicant has provided a site sustainability appraisal and iso-distance plans to show services and approved development within Ashby, in support of their application.

The site sustainability appraisal is broken up into four main parts, social, economic, environmental and recent appeal decisions and states:-

- *The social role considers the transport connectivity, play facilities and education and retail services. The iso-distance locates the application site within the wider context and denotes recently approved application sites which share comparable distance from Ashby town centre.*
- *The economic role sets out the economic benefits arising from the application site, including direct and indirect employment and anticipation annual expenditure for retail (£436,102) and leisure (£285,397) and generation for council tax (£58,999) and the new homes bonus payment (£353,994).*
- *The environmental role discusses the site surveys on site and the proposed use of sustainable drainage solutions, tree planting and open space and concludes that there are no adverse impacts with regards to the environment that significantly and demonstrably outweigh the benefits of the scheme.*
- *In respect of the three listed appeal decisions, the applicant states that for many key services, this application site has less than half the travel distances associated with the Iveshead Road, Shepshed (APP/X2410/A/12/2177327) appeal site, and that the Inspector within that appeal indicated that it is not as simple as dismissing a site on its sustainability credentials, based solely on walking distances from 1 or more key services.*
- *Within the appeal example at West Haddon, Northamptonshire (APP/Y2810/A/14/2222311) the Inspector stated in making reference to methods for assessing distance from key services "Such, standards and the use of national survey, must be applied with some caution and viewed in the context of local circumstance."*
- *Within the final allowed appeal example - Land South of Moira Road, Ashby (APP/G2435/A/13/2192131) the applicant states that there are many similarities with the application site -with both lying approximately 1km for the town centre, a walk of 10-15*

minutes and most of the urban area of Ashby, including the secondary schools within 2km and employment and superstore falling with 3km of the site. The Department of Transport statistics show the average trip length regularly undertaken is on average 1km for walking, 4.5 km for cycling and 8km for buses and is therefore concluded that this site is within easy walking or cycling distance of all of the town's facilities.

In assessing the contents of the applicant's sustainability assessment outlined above, the following comments have been reached by Officers:

In terms of distance to amenities, the Institute of Highways and Transportation (IHT) document 'Providing for Journeys on Foot' details the distance of 800 metres is considered to be the preferred maximum walking distance to a town centre with 400 metres acceptable and 200 metres being desirable.

Below are the approximate distances from the site to local facilities and services via the existing footway network:-

- Bus Stop - 465 metres
- Western Park, via Packington Nook Lane - 675 metres
- Primary School - 790 metres
- Public House, Tamworth Road - 900 metres
- Play Space (to the west of Ridgeway Road) - 950 metres
- Town Centre boundary 1,050 metres
- Market Street - 1,480 metres

Whilst the bus stop, park and primary school are the only amenities within the maximum preferred walking distance, the bus stop is in close proximity to the site, 465 metres to the northern side of Tamworth Road and an hourly bus service runs along Tamworth Road which provides access to the facilities within the town centre. There is also an existing footpath along the southern side of Willesley Lane which runs the entire length to the junction with Tamworth Road and there are also footpaths on both the north and south side of Tamworth Road into the town centre. The scheme seeks to provide its own on-site play space, and there is an area of equipped play space and larger area of play at Western Park which is accessed via Willesley Road, straight on to Tamworth Road and then via Packington Nook Lane, being located approximately 675 metres away. Furthermore, the scheme itself also seeks to promote walking and cycling, by providing a combined footpath and cycle route within the site. This is proposed to continue beyond the site, to the Hicks Lodge Cycle Centre, with the applicant willing to enter into a Section 106 Agreement to provide and surface this route. This will provide both future occupiers and existing residents in Ashby access to the Hicks Lodge Cycle Centre.

The County Highway Authority (CHA) have also commented upon transport sustainability within this application, stating that the site is well served by an existing network of footways for pedestrians and is accessible for cyclists, the Primary School is at a walking distance of less than 800 metres and the nearest bus stops are at approximately 400 to 460 metres from the site.

In respect of the Lower Packington Road appeal decision, the Inspector concluded, that with the 1km distance from the town centre, with significant gradients and no dedicated cycle routes close to the appeal site, and with a limited and infrequent bus service running past the site, many people would rely heavily on their cars for trips even to buy one or two, small everyday items.

In comparison, whilst the distance to the town centre is similar, there are a range of services and amenities in closer proximity, along Tamworth Road to this site, with the nearest shop to purchase one or two, small everyday items being approximately a 11.5 - 12 minute walk, with the route into the town centre being predominantly flat (with the exception of a slight rise in gradients between Wells Road and the junction with Tamworth Road). There is also an hourly - Monday to Saturday bus service, with the bus stop approximately a 4.5 minute walk away.

Consideration should also be given to the appeal decision at land South of Moira Road, Ashby, where the Inspector stated that the site was about 1km to the town centre, a walk of 10-15 minutes, and most of the urban area of Ashby lay within 2km of the site, with employment areas and the superstore, being within about 3 km of the site. The Inspector concluded that, that site was within walking or cycling distance of all the town's facilities and the site was to be in a sustainable location. Furthermore at Planning Committee in December 2014, it was resolved to grant planning permission (subject to the S106 Agreement) at land between Burton Road And Moira Road, Shellbrook (ref: 14/00578/OUTM) which is between 1-1.4km distance from Ashby town centre, which is comparable with the distance from this site with the town centre.

The CHA has stated whilst the town centre of Ashby de la Zouch is at a distance of less than 1.5 Km from the site, this is a greater distance than would normally be considered to be acceptable, given 1 Km which has been considered to be an acceptable walking distance by previous Planning Inspectors' appeal decisions and, given that there is a much greater provision of employment, education and services in Ashby than in many towns and villages, it may be that some walking journeys would be made. In addition, the CHA has confirmed that there is a stronger argument to be had that the site is very attractively located for cycling trips and that this has to be given some weight.

In response to the applicant's other appeal decisions outside the District, it is not considered that they carry any significant weight in the determination of this application.

Ashby provides a good and wide range of day to day services and facilities which meet the day-to-day needs of Ashby as well as some of the surrounding villages, which has been supported in recent appeal decisions. These include primary schools, a secondary school, a good range of shops, leisure facilities and library, health centre as well as recreational facilities, public houses and employment opportunities.

The provisions of the NPPF do not specifically seek to preclude development within the countryside, and consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF.

- Economic - in this respect developments should contribute towards building a strong competitive economy through ensuring that sufficient land of the right type is available to support growth, and by coordinating development requirements, including the provision of infrastructure. It is considered that the development would benefit the local economy through both the creation of jobs for the construction of the development itself, as well as securing financial contributions for the provision and maintenance of local infrastructure. Accordingly the site is considered to be consistent with the 'economic role'.
- Social - in this respect, developments should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment. The

development would provide both open market and 12 affordable units, appealing to a wider spectrum within the local market, thus increasing local market choice and appealing to groups whom may have otherwise been excluded from the locality.

- Environmental - to fulfill this role development should protect and enhance the natural, built and historic environment. As part of this biodiversity should be improved, natural resources should be used more prudently, waste and pollution should be minimised, and development should help mitigate, and adapt to climate change. The site is located outside the limits to development, but is well related to the existing settlement. Furthermore, as set out in the report below, it is considered that the proposal would not be contrary to the aims of protecting or enhancing the natural and historic environment. Accordingly the site is considered to be consistent with the 'environmental role'.

The NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. Based on the above discussions, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable.

The applicant has submitted additional information to seek to overcome the previous reason for refusal, and whilst the site is further from services, than the desired standards, it is considered that given the comparable distances with the site at South of Moira, Road and Ashby and at land Between Burton Road and Moira Road, Shellbrook, that a strong case has been made concerning the sustainability of the site.

Loss of Agricultural Land

Paragraph 112 of the NPPF suggests that, where significant development of agricultural land is demonstrated to be necessary, poorer quality land should be used in preference to that of a higher quality. Best and Most Versatile (BMV) agricultural land is defined as that falling within in Grades 1, 2 and 3a of the Agricultural Land Classification (ALC). The applicant has confirmed that the land would be assigned to Class 3, however the Agricultural Land Classification does not specify whether the land would fall within a 3a (BMV) or 3b (not BMV) classification.

Whilst, the NPPF does not suggest that the release of smaller BMV site is acceptable, it is commonly accepted that the magnitude of loss of agricultural land is low where less than 20 hectares of BMV would be lost and therefore given the relatively limited extent of the potential loss of the site, at 1.54 hectares, it is considered that the potential agricultural land quality issue is not sufficient to sustain a reason for refusal in this case.

Density, Layout and Design

For the avoidance of doubt there is no change to the density, layout or design of the dwellings and therefore consideration of these matters remains as per the previous application ref: 14/00520/FULM. In this respect, the Committee did not include density, layout of design in the reason for refusal.

The Council's Urban Design Officer has confirmed that subject to the imposition of conditions, the scheme would perform positively against Building for Life and would therefore be consistent with the Council's aspirations.

It is considered that the range of terraced, semi-detached and detached properties of 2, 3 and 4 bedroom configuration and 2 and 2.5 storey proportions adds interest and provides strong

attractive street scenes, softened by the variation in architectural detailing, materials, surfacing, boundary treatments, trees and landscaping. As such the scheme is considered to be in accordance with Saved Policy E4 of the Local Plan and overarching intentions of the NPPF.

Impact upon Residential Amenity

There are no changes to the layout and therefore the consideration of positioning and distances to neighbouring residential properties remains as per the previous application ref: 14/00520/FULM. In this respect, the Committee did not include impact upon residential amenity in the reason for refusal.

It is considered that there are sufficient distances to ensure no significant adverse impacts, in terms of loss of privacy, light and overbearing impacts between proposed plots and existing neighbouring properties. For the avoidance of doubt windows serving bathrooms and en-suites are to be fitted with obscure glass, secured by the imposition of a planning condition.

In summary, the proposal is considered to have minimal impacts upon amenity of existing neighbouring or future neighbouring residents. As such the scheme is considered to be in accordance with Saved Policy E3 of the Local Plan.

Highway Considerations

There is no change to the vehicular access or pedestrians connections and therefore consideration of these matters remains as per the previous application ref: 14/00520/FULM. In this respect, the Committee did not include highway safety in the reason for refusal.

There is a mixture of frontage and side parking and single and double detached garages. All plots open market and affordable have at least two car parking spaces, with the exception of the one bed affordable units, which have one space each and two visitor spaces between them. For the avoidance of doubt all 2 bed properties (8 plots) have two parking spaces, with all other 3 and 4 bed properties having three parking spaces and all garages have sufficient internal dimensions.

The scheme has been considered by the County Highway Authority (CHA) who raises no objection, subject to conditions including off site works.

In summary, subject to the imposition of conditions it is considered that the scheme is acceptable in relation to Saved Policies T3 and T8 of the Local Plan.

Public Footpaths and Cycle Routes

There is no change to the proposed combined pedestrian and cycle route, nor has the Modification Order been passed and consideration of these matters therefore remains as per the previous application ref: 14/00520/FULM. In this respect, the Committee did not include the impact upon the existing footpath in the reason for refusal.

There are no formal, designated public footpaths running through the site, however a route has been used historically and informally to the north east periphery of the site, running parallel with the rear gardens of Willesley Gardens. An application, dated 15 April 2014 was submitted by local residents to Leicestershire County Council for a Modification Order (ref: P114) to seek a Public Right of Way consistent with the existing informal route, as described. The County Council are currently proceeding with the preparatory work associated with the making of the

Modification Order, prior to preliminary consultations being carried out with interested parties.

In respect of the impact of the scheme on the current route used by residents, given that the route is not a designated footpath, then no weight can be given to the impact of the development on this route.

The applicant proposes a combined pedestrian and cycle route within the scheme, with the route also extending to the field to the north of the site. The applicant has made a commitment that this route will be formally offered as a formal Public Right of Way and Cycle Route for access to Hicks Lodge and would be willing to enter into a Section 106 Agreement to secure the route, width and appropriate surfacing. The National Forest and Leicestershire County Council Footpath Officer have been consulted upon this and are fully supportive of the route proposed, providing the route links outside the development site to the Hicks Lodge cycle routes.

As such, whilst the route through the site, would not be exactly the same as the one currently informally used by local residents, through the Modification Order, the scheme does seek to provide a formally designated route through the site and beyond the site to the north, for access to the Hicks Lodge Cycle Centre.

Impact upon Trees

The impact upon the two lime trees has been rigorously considered by the previous application, including alternative vehicular access positions, in order to seek to secure their retention. However, the Committee did not include impact upon the trees in the reason for refusal.

As previously reported, overall it was considered that to insist upon the lime trees retention would be to the detriment of highway safety and accordingly on balance, the amenity value the lime trees added was not sufficient to outweigh the potential highway safety implications, in this case.

Accordingly this application proposes the same access point as that previously considered and the Tree Officer raises the same comments in respect of the positioning of plots in relation to existing trees and proposed trees.

It is considered that specific conditions in respect of proposed planting can be imposed and "no-dig" construction to ensure no significant adverse impacts upon the trees T4, T5 and T13.

Protected Species/Ecology

Consideration of these matters therefore remains as per the previous application ref: 14/00520/FULM. In this respect, the Committee did not include impact upon protected in the reason for refusal.

The application has been accompanied by an Ecological Appraisal, which has been considered by the County Ecologist. The County Ecologist has confirmed that they have the same comments, as those provided within the original application, which is no objection, subject to the imposition of planning conditions.

Archaeology

Consideration of these matters therefore remains as per the previous application ref: 14/00520/FULM. In this respect, the Committee did not include archaeology in the reason for

refusal.

The application has been accompanied by an Archaeological Desk Based Assessment and Field Walking Survey. The application has been considered by the County Archaeologist who is satisfied that development has low potential impact upon buried remains, and that there are no other recorded heritage assets likely to be detrimentally affected by the proposals, and therefore confirms that the application warrants no further archaeological involvement.

Drainage and Flood Risk

The Committee did not consider flooding to be an issue of concern and therefore was not included in the previous reason for refusal.

The site lies within Flood Zone 1 as defined by the Environment Agency as having a low probability of flooding (less than 1 in 1,000 annual probability in any year). An unnamed ditch forms the site's western boundary and a small drain flows along the site's northern boundary.

The scheme proposes an open attenuation pond, in addition to permeable paving within private parking areas.

The application has been accompanied by a Flood Risk Assessment (FRA), which has been considered by statutory consultees, all of which raise no objections, subject to the imposition of planning conditions.

The scheme has been considered by the Environment Agency who raises no objection subject to the imposition of the condition requiring the development to be undertaken in accordance with the details provided within the FRA, including the provision of sustainable drainage solutions.

Impact on the River Mease Special Area of Conservation/SSSI

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Therefore an assessment of whether the proposal would have a significant effect on the SAC is required. The River Mease Developer Contribution Scheme (DCS) has been produced to meet one of the actions of the River Mease Water Quality Management Plan (WQMP). The DCS advises that all new development which contributes additional wastewater to the foul water catchment areas of the treatment works within the SAC catchment area will be subject to a developer contribution. The DCS is considered to meet the three tests of the 2010 CIL Regulations and paragraph 204 of the NPPF.

When having regard to the existing agricultural use of the site, the proposal for 41 dwellings would increase the foul drainage discharge from the site and as such it is subject to the requirements of the DCS.

The flows from the new dwellings will need to be taken into account against the existing headroom at Packington Treatment Works, which serves Ashby de la Zouch. At March 2015 capacity as available, taking into consideration dwellings that have consent and/or are under construction, which at the time of writing, totalled 2663 dwellings and therefore sufficient capacity exists for the 41 dwellings proposed.

Natural England has considered the scheme and raise no objections in relation to impact on the SAC/SSSI subject to conditions. Therefore based on the above it can be ascertained that the

proposal site would not, either alone or in combination with other plans or projects, have a significant effect on the internationally important interest features of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI.

Developer Contributions

Paragraphs 203 and 204 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

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

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

Affordable Housing

Under the Council's Affordable Housing SPD, 30% affordable housing is required on sites of 15 dwellings or more, and this would equate to 12.3 dwellings for the current proposal. The scheme proposes 12 affordable units in total comprising 8 x 1 bedroomed units, 2 x 2 bedroomed dwellings and 2 x 3 bedroomed dwellings and the Council's Strategic Housing Team is satisfied with the proposed affordable housing provision.

Play Space

The Council's Play Area Supplementary Planning Guidance (SPG) states that the Council will not seek any additional provision where existing play areas, within 400 metres walking distance, satisfy the needs of the area, including the proposed development. In this instance, whilst an existing play space would fall within 400 metres of the site, given the route that users (children) would need to take along existing footpaths, to access the play space, the site would be well in excess of 400 metres, and therefore on-site provision should be provided.

Under the Council's SPG, on-site children's play provision is required at a rate of 20 square metres per dwelling. Given that 41 dwellings are proposed, this would require a play area of not less than 820 square metres. The scheme provides in excess of the policy requirement.

A scheme for the play provision will be secured through the Section 106 Agreement. An obligation relating to management plans for any open space, landscaping and SUDS to ensure that the land is properly established, maintained and managed in the future would also be required.

River Mease DCS

A contribution under the River Mease DCS is required (as outlined earlier in the report) but an exact figure for the contribution cannot be determined at this stage, as the code levels (or equivalent) of the dwellings has not been finalised. A Section 106 agreement would be worded as such to allow flexibility based on the equivalent construction code levels.

Other Developer Contributions

As a result of the Developer Contributions consultation, the following contributions have been

requested:-

Leicestershire County Council (Libraries) request £1,240 towards additional resources at Ashby de-la Zouch Library.

Leicestershire County Council (Education) request a contribution of £119,054.26 for Ashby Willesley Primary School; a contribution of £73,292.30 for Ivanhoe College and a contribution of £75,256.16 for Ashby School.

Leicestershire County Council (Highways) request:-

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- Six-month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car
- Improvements to the nearest bus stop (Tamworth Road outside Loudoun House), including raised and dropped kerbs to allow level access, to support modern bus fleets with low floor capabilities. At £3263.00 per stop.
- Information display case at a nearest bus stop; to inform new residents of the nearest bus services in the area. At £120.00 per display.

NWLDC Head of Leisure and Culture has requested a developer contribution of £39,335 for investment in a new wellbeing centre at Hood Park Leisure Centre.

The National Forest request a surfaced footpath and cycleway through the site and the adjoining field to the cycle centre as shown on the 'Indicative Cycle Plan Improvement Plan'.

NHS England (Leicestershire and Lincolnshire Area) request a contribution of £13,734.34 towards the costs of supporting a new surgery for the Ashby Health Centre practice.

No requests for contributions have been received from Leicestershire Police and the County Council has advised that a contribution towards civic amenity sites is not required.

Assessment of Financial Requests

A contribution of £39,335 is requested for investment in a new wellbeing centre at Hood Park Leisure Centre. The project estimate of £750,000 would be for a wellbeing facility but there is no breakdown of specific costs which would be relevant to this specific development proposal. Furthermore, no evidence base has been submitted with the request to set out how the proposed development would generate the need for the wellbeing facility i.e. how it is specifically relevant to the proposed development.

As a new medical centre has already been approved (ref: 14/00080/FULM) at Burton Road, Ashby and the funding secured it is not considered that NHS England have demonstrated that this is required to make the development acceptable and is not therefore considered to meet the tests, as set out in Paragraph 204 of the NPPF.

Leicestershire County Council have provided additional evidence to demonstrate that their Libraries and Education (Primary, High and Upper School Sectors) requests, in combination with previous obligations, do not exceed five obligations and therefore can be secured through the planning process, by way of legal agreement. The other contributions are separate projects.

On consideration of the other requests received in respect of this application, it is considered that the following meet the tests, and the applicant has confirmed that they would be willing to enter into an agreement to secure the following contributions:-

- Affordable Housing (12 units)
- Play and Open Space (on-site)
- Education (£267,602.72)
- Libraries (£1,240)
- River Mease
- Transport (Travel Packs, Bus Passes, Bus Stop Improvements, Information Display
- Cases)
- National Forest (Footpath and Cycleway)

Other Matters

Letters of Representation

In respect of other objections received which have not already been addressed within the report above:-

A right to a view and de-valuation of property prices are not material planning considerations.

In respect of the concerns raised regarding the similarities with the Packington Nook development, and comments raised in respect of 'valued landscapes' in the Warwickshire appeal site and Gloucestershire appeal site, each case is considered on its own merits.

At a meeting of the Full Council on 29 October 2013, the District Council resolved to withdraw the Submission Core Strategy. Accordingly no weight can be attributed to the policies contained with the Core Strategy for the purposes of determining applications.

An application was refused in 1972 (ref: 72/4243/02) for residential development. The approved Ashby de-la Zouch Town Map and the approved County Development Plan have subsequently been replaced since 1972 and as such carry no weight in the determination of this application. Furthermore, the County Highway Authority have considered this scheme and do not consider that there is any reason to sustain a highway objection.

Conclusions

In conclusion, as set out in the main report above, the applicant has submitted additional information to seek to overcome the previous reason for refusal, and whilst the site is further from services, than the desired standards, it is considered that given the comparable distances with the site at South of Moira, Road and Ashby and at land Between Burton Road and Moira Road, Shellbrook, that a strong case has been made concerning the sustainability of the site.

The proposed development would be acceptable in terms of density, layout and design, impact on trees, residential amenities, transportation and highway safety issues, flood risk and drainage, archaeology, ecological impacts and impact on the River Mease SAC and no other technical issues are considered to arise. Appropriate contributions to infrastructure would also be made so as to mitigate the impacts of the proposals on local facilities/services. It is therefore recommended that planning permission be granted, subject to conditions and the signing of the

S106 Agreement.

RECOMMENDATION, PERMIT, subject to the signing of the Section 106 Agreement and 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:

Planning Layout, Drawing No. SL/01 (Scale 1:500); Alnwick + (Semi) Drawing No. BC/ALNWICK/ASHBY; Alnwick/Hanbury (Terrace) Drawing Nos. BC/ALNWICKT/ASHBY; Hanbury Plus House Type (Semi) Drawing No. BC/HAN/ASHBY; Knightsbridge House Type Drawing No. BC/KNIG/ASHBY; Leicester House Type Drawing No. BC/LEIC/ASHBY; 1160 House Type Drawing No. BC/1160/ASHBY; Marlborough House Type Drawing No. BC/MARB/ASHBY; Mayfair House Type Drawing No. BC/MAY/ASHBY; Whitehall House Type Drawing No. BC/TWHIT/ASHBY; Whitehall + House Type Drawing No. BC/TWHIT/ASHBY; 1 Bed Flat Drawings No. BC/FLAT/ASHBY; 1160 House Type Drawing No. BC/1160/ASHBY; 1010 House Type Drawing No. BC/1010/ASHBY; Single garage Drawing No. BC/SGARAGE/ASHBY and Double garage Drawing No. BC/DGARAGE/ASHBY received by the Local Planning Authority on 6 March 2015.

Reason: To determine the scope of this permission.

- 3 Notwithstanding the submitted plans, nor Condition 2 above, no building shall be erected on site above damp proof course level until details/samples (as appropriate) of the:-
 - a) bricks, roofing materials and render
 - b) doors and windows including porches and door surrounds, as well as doors to proposed garages)
 - c) eaves and verges
 - d) rain water goods
 - e) windows and doors (including heads and cills)
 - f) chimneys
 - g) colour finish of utility boxes

have been submitted to and agreed in writing by the Local Planning Authority. Thereafter, the works shall be implemented in accordance with the approved details.

Reason - To ensure that the works are executed in an appropriate manner given the prominence of the site.

- 4 Notwithstanding the submitted plans, prior to first occupation of any dwelling, a lighting scheme for all communal open space and parking areas are submitted and agreed to in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details, prior to the first occupation of any dwelling.

Reason: To ensure that the development provides for a satisfactory form of design, in the interests of safeguarding against actual and fear of crime and anti-social behaviour.

- 5 Notwithstanding the submitted plans, nor Condition 2 above, no building shall be erected on site above damp proof course level until a detailed scheme for the boundary treatment of the site including the precise details of the treatment of the demarcation of all public realm facing boundaries that will be a minimum of 1.2m high comprising of either railings with hedging, dwarf walls with railings, or dwarf walls have been submitted to and agreed in writing by the LPA. The development shall be carried out in accordance with the agreed details. The development hereby permitted shall not be occupied 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, 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.

- 6 No building shall be erected on site above damp proof course level until a detailed landscaping scheme, including the retention of existing trees and hedgerows and mitigation planting for the loss of trees, has been submitted to and approved in writing by the Local Planning Authority. The eight proposed trees along Street 1 shall be semi-mature trees of a minimum height of 5.5m and girth of 25-30cms, with focal trees adjacent plots 1, 25 and 26 and lime tree mitigation planting to the frontage shall be super semi-mature trees of a minimum height of 7.0 and girth of 40-45cms. The approved scheme shall be implemented in the first planting and seeding season following the first occupation of the first dwelling hereby approved unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. 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 ensure satisfactory landscaping is provided within a reasonable period and a reasonable period for the replacement of any trees and shrubs.

- 7 Notwithstanding the submitted plans, nor Condition 2 above, no building shall be erected on site above damp proof course level until such time as a detailed scheme for all surfacing of the access, driveways, parking areas and footpaths has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be undertaken in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To preserve the amenities of the locality.

- 8 Notwithstanding the submitted plans, nor Condition 2 above, prior to the first occupation

of the 10th dwelling details of the proposed bridge/structures to connect the site with the adjacent field to the north west of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the 10th dwelling.

Reason: To enable the Local Planning Authority to retain control over the external appearance, in the interests of the amenities of the area.

- 9 No building shall be erected on site above damp proof course level until a scheme that makes provision for waste and recycling storage across the site shall first be submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary. The scheme shall be implemented in accordance with the approved details.

Reason: To ensure that the development provides for a satisfactory form of design, in the interests of amenity.

- 10 No development shall commence until precise details of the finished ground levels on the site and the finished floor levels of the buildings in relation to an existing datum point have been submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: To ensure the development takes the form envisaged by the Local Planning Authority.

- 11 No development shall commence until drainage plans for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of foul water drainage.

- 12 Notwithstanding condition 19 no development shall commence until drainage plans and surface water drainage management and monitoring plan have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of surface water drainage management and monitoring as to reduce the risk of creating or exacerbating a flooding problem; to prevent an adverse impact on the River Mease Special Area of Conservation.

- 13 No development shall commence until details for off-site highway work being a junction table at the Willesley Close/Willesley Road junction have been submitted to and approved in writing by the Local Planning Authority and no dwelling shall be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To reduce vehicle speeds on the approach to the site access.

- 14 No development shall commence until details for off-site highway works being provision of a footway from the southern side of Wells Road to a suitable crossing point with drop

kerbs and tactile paving on Willesley Road, have been approved in writing by the Local Planning Authority, and no dwelling shall be occupied until the scheme has been constructed in accordance with the approved details.

Reason: To ensure a safe pedestrian route to the footway on the southern side of Willesley Road.

- 15 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 16 Before first occupation of any dwelling hereby permitted visibility splays of 2.4 metres by 43 metres shall be provided at the junction of the access with Willesley Road. 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.

- 17 Before first occupation of any dwelling hereby permitted, the respective car parking provision and any turning space shall be made within the curtilage, in accordance with the approved plans. The parking spaces and turning space so provided shall not be obstructed and shall thereafter permanently remain available for car parking and turning.

Reason: To ensure adequate off street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.

- 18 Before first occupation of any dwelling 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.

- 19 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) revision 3, dated May 2014 Ref. R/C1409.001.03, under by Hydrock, including the mitigation measures detailed within it. The mitigation measures shall be fully implemented prior to the occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or with any other period that may be subsequently agreed in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to assist in the achievement of good water quality status for the River Mease, to reduce the risk of flooding from blockages and to ensure maintenance access.

- 20 Should development not commence for two years since the last survey (April 2014) an updated badger survey will be required to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of protected species on the site.

- 21 The windows serving bathrooms, en-suites and WCs shall be glazed with obscure glass to Pilkington Standard 3 (or equivalent) and shall be non or top opening only and thereafter be retained unless planning permission has first been granted by the Local Planning Authority.

Reason: To ensure that the development is not detrimental to the privacy and amenities of the existing and future occupiers.

- 22 No development shall commence until a scheme providing a tree protecting plan for all retained trees, identified within the submitted Arboricultural Assessment (May 2014) and a method statement of "no dig" design is first submitted to and approved in writing by the Local Planning Authority in respect of conditions T4, T5 and T13. All works shall be carried out in accordance with the approved details and timetable.

Reason: To ensure that existing trees are adequately protected during construction in the interests of the visual amenities and character of the area.

Notes to applicant

- 1 In respect of Condition 3, the applicant is advised that render will be traditionally applied rough cast render. Monocouche and/or the use of plastic beading will not be permitted. The applicant is advised that porches and door surrounds must be constructed of timber that is either painted or stained. Full or partial UPVC porch structures and/or door surrounds will not be acceptable. UPVC windows and doors shall be of a cream or olive green finish.
- 2 In respect of Condition 5, the Local Planning Authority will be likely to require the submitted details to provide for, amongst the others, the following: a plan indicating the type of boundary treatment to be employed and where landscaping is proposed to demarcate public and private space, a photographic illustration of the proposed species.
- 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).

You will be required to enter into a suitable legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.

If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of

the Highways Act 1980 for the adoption of the roads.