

Erection of 8 no. detached dwellings with associated access road

Report Item No
A1

Land Adjoining Whitwick Filling Station Talbot Street Whitwick Coalville

Application Reference
13/00060/FUL

Applicant:

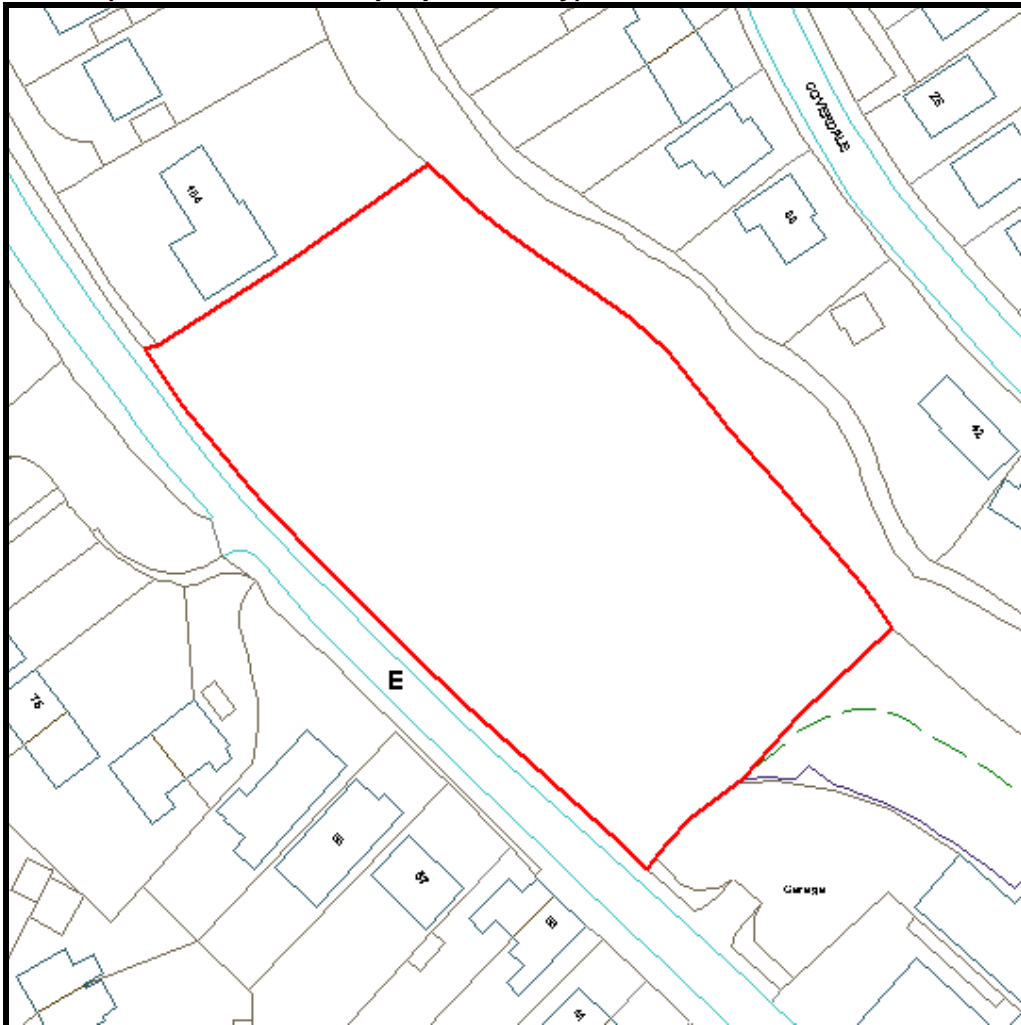
Date Registered
23 January 2013

Case Officer:
Adam Mellor

Target Decision Date
20 March 2013

Recommendation:
PERMIT

Site Location - (Plan for indicative purposes only)



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EXECUTIVE SUMMARY OF PROPOSALS AND REASONS FOR APPROVAL

Call In

The application has been brought to the Planning Committee at the request of Councillor Spence due to the impacts of the development on highway safety, drainage and the potential impacts on residential amenities.

Proposal

The application seeks to obtain planning permission for the erection of 8 no. detached dwellings on 0.5 hectares of land that currently forms part of a greenfield site between the Whitwick Filling Station and No. 104 Talbot Street. The application site is situated on the north-east side of Talbot Street with residential properties on Coverdale and the Grace Dieu Brook, lying to the north-east of the site. Properties within the vicinity of the site vary in their type and design with off-street parking predominately being situated to the frontage of dwellings. The vehicular access to serve the dwellings would be formed off Talbot Street.

Consultations

Nine individual letters of representation along with the two signed petitions have been received objecting to the application and Whitwick Parish Council also objects to the application. All other statutory consultees have no objections subject to conditions on any consent.

Planning Policy

It is considered that the development would accord with all relevant policies of the North West Leicestershire Local Plan as well as Paragraphs 14, 32, 49, 57, 60, 61, 103 and 118 of the National Planning Policy Framework (NPPF). Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System) would also be appropriate in any assessment.

Conclusion

The site is situated within the defined limits to development where the principle of this form of development is acceptable and although the development would be situated on a greenfield site the inability of the Local Authority to demonstrate a five year housing land supply would not restrict the development of the site under Policy H4/1, which is considered out of date. As the area is sustainable and the development would not result in the loss of protected open space the principle of the proposal would be acceptable. It is considered that the density of the scheme would be acceptable, taking into account the site constraints, the suitable housing mix achieved and the need to provide appropriate landscaping, and would accord with Policy H6 of the Local Plan. The amendments made to the development proposals have ensured that a satisfactory relationship with the dwelling at No. 104 Talbot Street would be established and that the overall heights of the dwellings and restriction on the residential curtilages of the properties would also ensure that the amenities of the occupants of properties on Coverdale would not be impinged upon significantly, as such the development would accord with Policy E3 of the Local Plan. It is considered that the scheme has been designed in a manner which would respect the existing building line along Talbot Street and the retention of a substantial amount of the existing landscaping, as well as its reinforcement, would ensure that the scheme would not result in the entire loss of this greenfield site. The individual designs of the properties would also enhance the architectural standards of the immediate environment and in these circumstances the scheme would respect the character and appearance of the streetscape and surrounding area in accordance with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan. It is acknowledged that the County Highways Authority have no objections to the formation of the vehicular access to serve the potential dwellings and in these circumstances the proposal would not be severely detrimental to highway safety, given that sufficient off-street

parking and manoeuvring facilities would also be provided, and would accord with Paragraph 32 of the NPPF as well as Policies T3 and T8 of the Local Plan. Both Natural England and the County Ecologist have raised no objections to the application, subject to the imposition of appropriate conditions, and as such the development would accord with Paragraph 118 of the NPPF and Circular 06/05. The existing landscaping would be substantially retained on the site with additional landscaping also being proposed, it is considered that the restriction of the residential curtilages for the dwellings and the submission of a management plan would ensure compliance with Policies E2, E7, F1, F2 and F3 of the Local Plan. The Environment Agency suggested that conditions be imposed on the previous application refused on the site to agree the sustainable drainage techniques for surface water management and in the circumstances that these conditions are included on any consent it is considered that the proposal would not worsen any localised flooding issue which would ensure compliance with Paragraph 103 of the NPPF. The development therefore accords with the planning policies stated above.

RECOMMENDATION - APPROVE SUBJECT TO 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 conditions, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Background

Members may recall that the application was deferred at the Planning Committee meeting on 7th January 2014 in order to try and receive clarity on whether the issues raised by Councillor Spence in relation to highway safety, impact on residential amenities and the potential flooding impacts on the Grace Dieu brook could be addressed further. An email has been received from the agent for the application on the 21st January 2014 which states the following: -

"Thank you for your email of the 10th January 2014 outlining the Planning Committee concerns with regard to the above.

Highway Safety.

The shared private access drive location is the most logical position, furthest away from the bend to the west. Although the proposal is for 8 dwellings vehicles can only exit one at a time being a single access and always in a forward motion with good visibility. Equally County Highways had no objection. We are aware that there is concern with vehicles exceeding the speed limit, we don't consider this as a planning issue as how drivers perform is outside our control.

Flooding Impacts on the Grace Dieu Brook.

The proposed site is significantly elevated from the brook and we do not consider that the development will cause any adverse impact on the brook, no objection has been raised by the EA; We agree to comply with the conditions proposed which will be rigorously checked by the relevant bodies and will not be implemented until full technical approvals have been achieved; Comment was raised at committee that occupiers would be mindful to throw their garden refuse over the fence, again we do not accept this as a planning issue. As confirmed the lower element of the garden will be fenced and conveyed to one purchaser.

Impact on Residential Amenities.

Careful consideration has been given to adjoining properties throughout the planning process, to respect both the adjoining neighbour at No. 104 Talbot Street and those residents at the rear of the proposal, which although lower than the proposal have a significant separation distance with a well established landscape buffer between.

Having considered your email and attended the planning committee meeting, we do not consider that there are any sustainable planning reasons to refuse the above application. Please note that should the committee seek to refuse against officer recommendations our client will be mindful to appeal.

We trust the above provides a balanced response."

It is considered that the 'Highway Safety' section of the report covers the issues associated with the proposed vehicular access into the site and having had additional discussions with the County Highways Authority it is considered that the selected position for the vehicular access is the optimum position in achieving adequate visibility in both directions.

The impacts of the development on the flooding of the Grace Dieu Brook are addressed in the 'Other Matters' section of the report with the Environment Agency agreeing that the imposition of Conditions 22 and 23 would mitigate any flooding impacts associated with the development. Condition 15 has also been imposed on the consent at the request of the County Ecologist to ensure that any debris associated with the development does not impact on the Grace Dieu

Brook.

With regards to the impacts on the residential amenities of neighbours it is considered that the 'Residential Amenity' and 'Design' sections of the report address these issues with it being noted that the scheme has been significantly amended from that originally received in order to mitigate the impacts of the development on residential amenities. Conditions have also been imposed to restrict the extent of the residential curtilage of the properties so that the gardens do not extend to the Brook.

Issues in respect of the stability of the land would be dealt with at the Building Regulations stage but following discussions with the Council's Building Control department it was concluded that it would be possible to construct the properties with strip foundations with only plots 1 and 2 potentially causing conflict with this type of foundation design. In any case the general information supplied in support of a building control application would detail the 'make-up' of the land as well as its stability and whether any specialist foundation design would be required. As such this issue is considered to not be of particular relevance in assessing the merits of the planning application.

In the circumstances that the development is considered to be in accordance with all relevant planning policies there is no change to the recommendation.

2. Proposals

Planning permission is sought for the erection of eight detached dwellings with associated access road at Land Adjoining Whitwick Filling Station, Talbot Street, Whitwick. The land in question is situated to the north-west of the filling station and has an area of 0.50 hectares with residential properties on Coverdale, as well as the Grace Dieu Brook, lying to the north-east of the site. The land is situated within the defined limits to development, as identified in the North West Leicestershire Local Plan, and the surrounding area is predominately residential with dwellings varying in their type and design.

Within the application site there are a number of mature trees and hedging along the boundaries with there being a significant difference in the land levels between Talbot Street and Coverdale which is reflected in the varying topography of the application site.

Following amendments during the course of the application the dwellings proposed on the site would consist of three types which would be as follows: -

House Type B2 (Plots 1 & 2):

These houses would be a pair of two-storey semi-detached properties which would have individual dimensions of 9.7 metres in length by 5.4 metres in width and use of a pitched gable ended roof with an eaves height of 2.5 metres on the south-western (front) elevation and 5.5 metres on the north-eastern (rear) elevation and a ridge height of 5.2 metres, when viewed from Talbot Street, and 8.1 metres when viewed from Coverdale. It is indicated on the floor plans that the dwelling would provide a kitchen, water closet and living room at lower ground floor level and two bedrooms, a hall and bathroom at ground floor level for the occupants.

House Type B3 (Plots 3 & 8):

This house would be a detached two-storey type which would have dimensions of 10.6 metres in length by 10.2 metres in width and use of a pitched gable ended and hipped roof with an eaves height of 2.5 metres on the south-western (front) elevation and 5.5 metres on the north-eastern (rear) elevation and a ridge height of 5.1 metres when viewed from Talbot Street and 8.2 metres when viewed from Coverdale. It is indicated on the floor plans that the dwelling

would provide a family/dining room, kitchen, water closet, lobby and living room at lower ground floor level and three bedrooms, a bathroom, hall and garage at ground floor level for the occupants.

House Type B4 (Plots 4, 5, 6 & 7):

This house would be a detached two and a half storey type which would have dimensions of 10.6 metres in length by 10.2 metres in width and use of a pitched gable ended and hipped roof with an eaves height of 3.0 metres on the south-western (front) elevation and 5.5 metres on the north-eastern (rear) elevation and ridge height of 6.1 metres when viewed from Talbot Street and 9.2 metres when viewed from Coverdale. It is indicated on the floor plans that the dwelling would provide a family/dining room, kitchen, water closet, lobby and living room at lower ground level, three bedrooms, a bathroom, hall and garage at ground floor level and a bedroom and ensuite at first floor level for the occupants.

A new vehicular access into the site would be formed from Talbot Street which would serve all of the properties with off-street car parking being provided to the frontage of the properties and within the garages which serve house types B3 and B4.

A design and access statement was initially submitted with the application and following the receipt of consultation responses an ecological survey and arboricultural assessment have also been submitted in support of the application.

The planning history of the site is as follows: -

- o 01/01182/OUT - Erection of five dwellings (outline - all matters reserved) - Withdrawn 26th February 2003;
- o 07/00566/FUL - Erection of 8 no. detached dwellings with associated access road - Refused 29th May 2007.

2. Publicity

41 neighbours have been notified (Date of last notification 19 June 2013)

Site Notice displayed 25 January 2013

3. Consultations

LCC ecology consulted 30 January 2013
Whitwick Parish Council consulted 24 January 2013
County Highway Authority consulted 24 January 2013
Severn Trent Water Limited consulted 24 January 2013
Head of Environmental Protection consulted 24 January 2013
Natural England consulted 24 January 2013
NWLDC Tree Officer consulted 24 January 2013
National Forest Company consulted 19 February 2013
LCC ecology consulted 21 October 2013
NWLDC Conservation Officer consulted 12 June 2013
LCC ecology consulted 16 September 2013

4. Summary of Representations Received

The following summary of representations is provided. Members will note that full copies of correspondence received are available on the planning file.

Environment Agency awaiting comments on scheme and these will be reported on the update sheet.

Leicestershire County Council - Ecology initially objected to the application and stated the following: *"Whilst I have no objection in principle to this development, I have some concerns about the impacts on the Grace Dieu Brook. This is an extremely important wildlife corridor, and is unique in Leicestershire as a fast-flowing stream flowing in a 'ravine' over bedrock (ref - Action for Wildlife: Leicester, Leicestershire and Rutland BAP, 1998). The trees along the brook are an important part of the wildlife corridor. My concerns are about impacts on the brook during construction and about future impacts on the wooded corridor of the brook; 1. **Future impacts on the woodland along the Brook** - The land slopes steeply down to the Brook. There are trees along the brook, and spreading up the slope towards Talbot Street. The lower parts of much of the development plot is wooded. The D&A statement for the development states that these trees will be retained. The layout plan shows the tree extent but it isn't clear whether it will be outside the gardens of the properties - however, it seems likely that the gardens will extend right down the development plot, and that the trees will become included in gardens. What guarantees are there that the occupants will not remove all the trees down to the brook edge and limit of ownership? My recommendation therefore is that the back gardens only extend down to the tree line, leaving a buffer of at least 10m at the lower end of the development plot which is allowed to remain wooded and unmanaged (as at present); 2. **Impacts during construction** - The ground will need major re-grading to allow construction. Due to the steep slopes, I feel there's a risk of soil and other materials falling or being tipped down the slope to the woodland and brook. What protection can be given to the brook and wooded corridor to prevent soil, rubble, and other construction materials ending up downslope, or for material to be tipped downslope? If any material ended up in the brook, it could smother bankside and stream-bed habitats and fauna, and could irreversibly damage the unique site; I would like to make a holding objection to this development until these two issues are resolved - my reason being the potential adverse impacts on a locally important and irreplaceable BAP habitat."* Following reconsultation on the ecological survey the County Ecologist has stated the following: *"The revised layout appears to show back garden boundaries following the approximate tree line alongside the brook, therefore it has satisfactorily addressed my previous concerns regarding inclusion of woodland within back gardens; The ecology report (EMEC Sept 2013) is satisfactory and no further survey work is required pre-determination. It appears as though the woodland corridor along the brook is used by badgers; EMEC recommend various conditions - see 6.1.2 b), c) and d) covering bat friendly lighting, avoidance of harm to badgers, and site clearance outside the bird-nesting season. I would also recommend a condition requiring a pre-development check for badgers, as it appears they are active in the area and may open up a new sett in the slope; My second concern has not been addressed; namely the protection of the brook and woodland habitats during construction. I imagine that this can be covered by a planning condition for a method statement regarding site fencing and barriers to prevent erosion of soils down-slope and to prevent construction materials, rubble etc polluting and littering the woodland and the Brook; Finally any tree and shrub planting adjacent to the woodland corridor must be of locally native species."*

Leicestershire County Council - Highways has no objections subject to the inclusion of conditions on any consent and the cutting back of vegetation along the site frontage to provide visibility splays.

Natural England initially commented that no response could be provided due to the lack of survey information addressing impacts on protected species. Following reconsultation Natural England has no objections subject to consideration being given to protection of protected

species.

National Forest Company initially stated the following: *"The application site area, as stated within the application form, is 0.5ha, therefore the National Forest Company's (NFC) Guide for Developers and Planners would expect 20% of this to be for woodland planting and landscaping. This would equate to 0.1ha; The Design and Access Statement suggests at paragraph 4.1 that 1,350 square metres of the site will be retained trees to the eastern boundary which would equate to 27%. The NFC would accept the retention and management of this woodland in lieu of new planting in this instance provided that the following are secured by way of condition or legal agreement: - Details of measures to protect the woodland during construction works; submission of an arboricultural report setting out the tree works required to accommodate housing in close proximity. This should also include details of ecological enhancements to the woodland to improve its value for biodiversity such as thinning, replacement tree and shrub planting, creation of hibernacula and installation of bird and bat boxes. A timescale for implementation of these works should be set out."* Following reconsultation the following comments have been provided: *"Our original comments sought for an arboricultural report to be submitted to assess the impact of the proposed dwellings on the woodland. The report now submitted appears satisfactory and concludes that three individual trees, one group and parts of a further three groups will need to be removed to facilitate the development; The NFC requests that tree planting to the road frontage should be required by condition to mitigate for these losses as proposed in paragraph 4.7 of the report; Our original comments also stated that for the existing trees to be considered as meeting the expected woodland planting and landscaping then the woodland would not only need to be retained but also managed, so that there is a benefit to the woodland from the development. Our comments suggested that there may be a need for thinning, replacement tree and shrub planting and the creation of hibernacula or bat and bird boxes. This aspect is addressed in the report therefore the NFC reiterates the request that a condition is imposed for biodiversity enhancements to be made to the retained woodland; Our comments also sought for details of protective fencing to be submitted, some details are provided within section 5 of the report. The NFC requests that a condition is imposed for details of the type and position of the fencing to be agreed; The application and report is not clear on the long term ownership for the wood, whether this will be retained by the applicant or form part of the private gardens for new dwellings. The NFC requests that clarification is sought from the applicant and that the District Council expresses a preference for the woodland to be retained in one ownership to allow its continued management, rather than divided between new residents."*

NWLDC - Environmental Protection no representation received.

NWLDC - Tree Officer initially stated the following: *"The outgrown and gappy hedge of Hawthorn and Elder on the front, roadside boundary, will need to be restored using C.monogyna, A.campestre, C.avellana and C.sanguinea. Tree species planted within it will need to be of fastigiated or upright native form. There is insufficient space for tree planting as shown in the small (5m) front gardens and therefore there is requirement for strong, high quality front boundary treatment. Future maintenance of the front hedgerow needs to be pre-determined to prevent neglect or piece-meal trimming by residents; Some existing young and middle-aged oak and hawthorn in the upper part of the site will be lost. The oak are mainly of local scrub form but with good potential. Their loss could be mitigated by new woodland planting at 2.5m centres in the gap on the lower slope. There will presumably be a need for gabions or terracing below the dwellings and detailed construction drawings will be needed. Such construction will require an assessment of the impact on trees and also the impact on the properties to the north and sufficient landscape screening provided. Landscape conditions need to be applied and an Arboricultural Assessment provided; Access to the existing woodland area*

needs to be designed into the scheme and future responsibility determined with a long-term management plan." Following reconsultation the following has been stated: *"The Arboricultural Assessment by FRCP is an accurate reflection of the impact that proposals will have on tree cover; Loss of T3 is significant but its loss, the partial encroachment into TG3 and loss of T5 and TG7 could be mitigated in number by replacement planting along Talbot Street and to the north-west of TG2; Future maintenance of the woodland area is still an issue to be resolved. There appears to be no obvious single access route into it for any necessary maintenance of new planting and of mature trees although narrow gaps are present along the site boundaries. A uniform and consistent management plan will be required for the whole band of trees TG2 - TG6 avoiding piecemeal maintenance by individual residents. A TPO may need to be considered."*

Severn Trent Water Limited no objections subject to a drainage condition being applied to any consent.

Whitwick Parish Council objects to the application and states: *"The proposed access/egress would exacerbate existing traffic problems experienced at the cul-de-sac on the opposite side of the road; The development would result in additional surface water run-off into the Grace Dieu Brook with potential to create flooding problems further downstream; The proposed 2.5 storey dwellings would create intrusive overlooking."*

Third Party Representations

Nine individual letters of representation and two signed petitions have been received objecting to the application which are broken down as follows: -

- o 1 No. letter from the occupants of No. 53 Talbot Street;
- o 1 No. letter from the occupants of No. 55 Talbot Street;
- o 1 No. letter from the occupants of No. 79 Talbot Street;
- o 2 No. letters from the occupants of No. 104 Talbot Street;
- o 2 No. letters from the occupants of No. 29 Coverdale;
- o 1 No. letter from the occupants of No. 42 Coverdale;
- o 1 No. letter from the occupants of No. 44 Coverdale;
- o 35 signatories to a petition from residents of Coverdale, Crescent Road and Mossdale;
- o 24 signatories to a petition from residents of Talbot Street.

The objections raised are as summarised below: -

- o Position of Plot 8 will have a detrimental effect on the light to our property;
- o If the occupant of Plot 8 puts up a fence between the properties, the soil is two feet higher there and the erection of an six foot fence would lead to there being an eight foot fence straight outside our windows and doors;
- o Increase in traffic will have a detrimental impact on highway safety;
- o Increase in vehicular fumes will impact on use of the garden and wildlife;
- o Development will impact on the ecological species supported by the site;
- o Water drainage to the brook could have a detrimental affect on water life and the houses would be in danger of flooding;
- o Dwellings will interfere with television reception;
- o New properties on the land will impact on privacy due to the difference in land levels;
- o New properties on the land will result in overshadowing;
- o Any rubbish deposited on the site could result in the pollution of the brook;
- o Development would be out of character with the area given that they stand over two-storey in height;
- o Infilling of the green field site with this type of property will be detrimental to the area;

- o Development of site will result in the loss of a view;

5. Relevant Planning Policy

National Planning Policy Framework (NPPF) - March 2012

The Department of Communities and Local Government published the National Planning Policy Framework (NPPF) on 27 March 2012. The NPPF brings together Planning Policy Statements, Planning Policy Guidance Notes and some Circulars into a single consolidated document. The NPPF contains a number of references to the presumption in favour of sustainable development. It states that local planning authorities should:

- o approve development proposals that accord with statutory plans without delay; and
- o grant permission where the plan is absent, silent or where relevant policies are out of date unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

The NPPF (Para 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.

Paragraph 32 outlines that 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:

- o 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;
- o Safe and suitable access to the site can be achieved for all people; and
- o 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;

Paragraph 49 outlines that 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;

Paragraph 57 outlines that 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;

Paragraph 60 outlines that planning policies and decisions should not impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness;

Paragraph 61 outlines 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, 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;

Paragraph 103 indicates that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere;

Paragraph 118 outlines that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying particular principles;

The following policies of the North West Leicestershire Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

North West Leicestershire Local Plan

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

Policy 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;

Policy E4 seeks to achieve good design in new development and 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 F1 seeks appropriate provision for landscaping and tree planting in association with development in the National Forest, and requires built development to demonstrate a high quality of design, to reflect its Forest setting;

Policy F2 states that the Council will have regard to the existing landscape character of the site and the type of development when seeking new planting;

Policy F3 seeks to secure implementation of agreed landscaping and planting schemes for new development by the imposition of planning conditions and/or the negotiation of a planning agreement;

Policy T3 requires development to make adequate provision for vehicular access, circulation and servicing arrangements;

Policy T8 requires that parking provision in new developments be kept to the necessary minimum, having regard to a number of criteria;

Policy 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 development;

Submission Version Core Strategy

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

Other Guidance

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

Circular 06/2005 sets out the procedures that local planning authorities should follow when considering applications within internationally designated sites and advises that they should have regard to the EC Birds and Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Directive in respect of the land use planning system. The Circular sets out a flow chart for the consideration of development proposals potentially affecting European sites.

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 aims to direct new development to sustainable locations and in doing so sets out a sequential approach to the release of housing land. Regard should also be paid to Paragraphs 14 and 49 of the NPPF.

Planning permission 07/00566/FUL was refused on the following grounds, amongst others: -

- o *The site constitutes greenfield land. Policies 2 and 3 of RSS 8 - Regional Spatial Strategy for the East Midlands, Strategy Policies 2A and 2B of the Leicestershire, Leicester and Rutland Structure Plan, and Policy H4/1 of the North West Leicestershire Local Plan set out a sequential approach to the selection of sites for residential development. The proposed development would result in the unnecessary use of a greenfield site, contrary to the sequential approach to residential development set out in the Development Plan and PPS 3;*
- o *Strategy Policy 3 of the Leicestershire, Leicester and Rutland Structure Plan states that where, after applying the sequential approach in Strategy Policy 2A and the criteria in Strategy Policy 2B, it is necessary to consider new development on greenfield land, such land should satisfy a number of criteria. Notwithstanding Reason for Refusal 1 above, the proposed development would not satisfy the criteria set out in Strategy Policy 3 of the Structure Plan, contrary to its managed approach for the release of greenfield sites, where this is deemed necessary;*

Of these policies only H4/1 remains extant and as such no consideration is given to the policies within the Regional Spatial Strategy for the East Midlands or Leicestershire, Leicester and Rutland Structure Plan in the assessment of this application.

The application site is currently a greenfield site within Whitwick, which would fall within criterion (c) allocated and other appropriate land within Coalville. The second section goes on to outline

a set of criteria relating to the sustainability of the location. It is considered that the Talbot Street area of Whitwick would be within a sustainable location, given its proximity to public transport facilities and local services, and as such would accord with the principles of Policy H4/1 of the Local Plan.

Whilst the development would be located on a greenfield site, with the NPPF seeking to direct the majority of housing to brownfield land, it is considered that Policy H4/1 would not be a constraint on resisting this type of development given that it is considered 'out of date.' This is due to appeal decision of May 2013 in respect of land south of Moira Road, Ashby De La Zouch which found that the 'Sedgefield' approach, to identify a five year supply of housing land, should be used given that the Council is only able to demonstrate a supply of 4.43 years which represents a significant shortfall vis-à-vis the requirements of the NPPF. The inability to demonstrate a five year supply of housing are profound with Paragraph 49 of the NPPF advising that "*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.*" Given these circumstances as well as the fact that the loss of the site would not be significantly detrimental to the character of the area (as discussed in more detail below) or result in the loss of protected open space it is considered, overall, that the principle of the development would be acceptable.

Density

Policy H6 of the 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 hectare elsewhere.

With a site area of 0.50 hectares, the proposal would have a density of 16.0 dwellings per hectare. Whilst the density would fall below that advised in Policy H6 these policies also identify that it is important to factor into any assessment the principles of good design as well as green space and landscaping requirements. It is noted that development on the site would be constrained by the topography of the site and the retention of a significant amount of landscaping which would reduce the developable area. In the circumstances that the Local Authority values good design in its approach to residential development, there would be a need to reinforce the landscaping of the site, given the setting of the site within the National Forest, and a suitable housing mix has been achieved it is considered that the density proposed would represent an efficient use of the land in this instance. In these circumstances the proposal would not substantially conflict with the principles of Policy H6 as to warrant a refusal of the planning permission.

Residential Amenity

It is considered that the properties most directly affected by the proposed development would be No. 104 Talbot Street, a two and a half storey detached dwelling, situated to the north-west of the site, and Nos. 32, 34, 36, 38, 42 and 44 Coverdale, two-storey detached and semi-detached dwellings, situated to the north-east of the site.

At present no defined boundary treatment exists between the application site and No. 104 Talbot Street which contains two windows and two entrance doors on its south-eastern (side) elevation, along with a roof light in the same elevation. The floor plans associated with application reference 98/0609/P for extensions and alterations to No. 104 indicate that the two windows would serve a water closet and a kitchen (with the kitchen window being a secondary window given that another window exists on the north-eastern (rear) elevation), the two doors

would serve a hall and an integral garage and the roof light would serve an en-suite. The scheme has been amended so that the dwelling proposed adjacent to No. 104 would now be a one and a half storey type which would be set 4.6 metres from the side elevation of this dwelling. Although the land level rises between No. 104 and the side elevation of Plot 8 the eaves height of the proposal coupled with the overall height and use of a roof which would slope away from the boundary would ensure that the dwelling would not have a significantly detrimental overbearing or overshadowing impact on the amenities of No. 104 to justify a refusal of the application, particularly in the circumstances that the windows on the side elevation are not habitable room windows. Plot 7, at a distance of 17.5 metres from the side elevation of No. 104, would also incorporate a hipped roof into its design which would ensure that it would not impact significantly on the amenities of No. 104 given the distance involved. No windows are proposed in the side elevation of Plot 8 and as the property would be orientated away from the shared boundary it is considered that there would be no adverse overlooking impacts. Although the occupant of No. 104 has expressed concerns that a 'view would be lost' it is noted that the right to view is not a material planning consideration which could be taken into account in the assessment of the proposals. With regards to the potential establishment of a boundary treatment appearing 'dominating' to No. 104, by virtue of the difference in land levels, it is noted that planning permission would not be required should the current owner of the land wish to erect a boundary treatment to a height of 2.0 metres which would have a similar impact. In any case, however, the street scene drawing to Talbot Street shows that the land levels would be dropped at this point to ensure that any boundary treatment would be of a height between 1.8 metres to 2.0 metres from the ground level of No. 104 and the details of the boundary treatments to be established would be conditioned accordingly on any planning consent granted.

With regards to the impacts on the amenities of the properties on Coverdale it is considered that the distance of the properties from these dwellings, as well as the presence of other built forms of development along Talbot Street which have similar overall heights, would ensure that the development proposals would not have a significantly detrimental overbearing or overshadowing impact given that they would deviate significantly from the building line established by the rear elevation of No. 104 Talbot Street. In terms of overlooking impacts it is noted that the Officer report for application reference 07/00566/FUL stated the following: *"it is noted that the proposed dwellings would incorporate rear gardens of approximately 28 to 30 metres in length, resulting in window to window distances considerably in excess of those set out in the Council's Development Guidelines. Notwithstanding this, and notwithstanding the retention of existing trees referred to above, it is considered that, by virtue of the proposed development's significantly elevated position vis-à-vis the existing properties to the rear, significant loss of amenity to occupiers of those properties by way of overlooking and a perception of such from not only the proposed dwellings but, in particular, their gardens, would appear likely."* The properties proposed as part of the above application were two and a half storey types which presented eaves heights of 5.7 metres and ridge heights of 9.9 metres to Coverdale. Originally the dwellings proposed as part of this application presented eaves heights of 5.7 metres and ridge heights of 10.2 metres, on property type B1, and eaves heights of 5.7 metres and ridge heights of 10.2 metres, on property type B2, to Coverdale. On the basis of the revised house types the eaves and ridge heights presented to Coverdale would be as follows: -

- o House type B2 - eaves height of 5.5 metres and overall height of 8.1 metres;
- o House type B3 - eaves height of 5.5 metres and overall height of 8.2 metres;
- o House type B4 - eaves height of 5.5 metres and overall height of 9.2 metres;

On the basis of these details the overall heights of the properties have been significantly reduced, by almost two metres in some cases, with the tallest property still being 0.7 metres

lower than the dwellings previously considered under the aforementioned application. These changes have also coincided with the elevation details of the properties being amended with the ground floor area being more suppressed than the lower ground level and only roof lights being proposed in the roof slopes of the properties rather than dormer windows. It is considered that these changes, coupled with the overall position of the dwellings in relation to existing built forms along Talbot Street, would ensure that the extent of overlooking, or perceived impact of overlooking, from the dwellings themselves would not be sufficiently detrimental to warrant a refusal of the application. With regards to any loss of privacy by virtue of the use of private garden space it is proposed to condition any consent to ensure that the rear amenity area for each dwelling is restricted due to the need to maintain and enhance the existing landscaping along the Grace Dieu Brook in accordance with the aims of the National Forest Company and Council's Tree Officer. The exclusion of this land from the private amenity areas of each dwelling would ensure that this planting would not be 'lost' and a condition would also be imposed to reinforce the landscaping of this area as well as for a long term maintenance schedule to be agreed given its exclusion from domestic gardens. Given that the rear amenity areas for each of the dwellings would be restricted and the existing landscaping would be retained it is considered that the potential for any direct overlooking impacts onto or into the properties on Coverdale would be minimised and as such the impacts would not be sufficiently adverse to warrant a refusal of the application.

The relationship between the dwellings and those properties on the south-western side of Talbot Street would also be acceptable given the overall designs and distances involved.

In terms of the amenities of any future occupants of the properties it is considered that the proposed relationships between each individual property would be acceptable and would not result in any detriment in respect of overbearing, overshadowing or overlooking impacts. Views from the windows on the side elevation of No. 104 Talbot Street would be restricted by any proposed boundary treatment and the roof light would be a sufficient height above the internal floor level, in these circumstances there would be no adverse impact on the amenities of any occupant of Plot 8. In the circumstances that the Council's Environmental Protection team have raised no objections it is also considered that the relationship between Plot 1 and the Whitwick Filling Station, as well as the Quiet Storm telecommunications offices, would be acceptable.

Overall, therefore, the development would not conflict significantly with the principles of Policy E3 of the Local Plan.

Design

The need for good design in new residential development is outlined not only in Local Plan Policies E4 and 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. The site is also located within the National Forest and as such Policy F1 of the Local Plan would also be of relevance.

The application site is steeply sloped with the properties on Talbot Street being at a higher land level than those on Coverdale. Properties along Talbot Street front onto the road and generally consist of two-storey and single storey detached and semi-detached types. Off-street parking exists to the frontage of dwellings and no properties within the immediate vicinity of the site exhibit any substantial quality in their architectural design with the terraced properties on Brook Lane perhaps exhibiting the most design quality given their use of eaves detailing, stone cills

and headers and chimneys.

It is proposed that the landscaping along the front boundary of the site would be retained and enhanced which would result in some natural screening of the development proposals when viewed from Talbot Street. The building line of the properties would mainly reflect that of Talbot Street with only Plots 1 and 2 being set slightly further forward than the remainder of the Plots due to their relationship with the retained trees. In the circumstances that the development would respect the context of its setting it is considered that the proposals would not have an adverse impact on the character and appearance of the Talbot Street streetscape. The elevation presented to the entrance into the site would also be of a standard which would ensure that the 'fleeting' views established at that point would not be adverse to the appearance of the street scene overall. With regards to the wider area it is considered that the retention and reinforcement of the trees to the rear of the site, within proximity to the Grace Dieu Brook, would limit the views which would be established from Coverdale and the properties to the north-east of the site but in the circumstances that the existing built forms of development on Talbot Street would be visible from these areas it is considered that the proposed development would not have a significantly adverse impact on the character and appearance of the wider area to justify a refusal of the application.

Although off-street parking would be provided to the frontage of the dwellings it is considered that this would not detract from the character of the area given that this form of parking is common along the remainder of Talbot Street and the landscaping retained to the site frontage would assist in reducing the visual impact of a car 'dominated' frontage. In any case the parking of vehicles to the frontage would remain the only feasible option for any residential scheme given the topography of the site preventing a parking solution to the side elevations of the properties with detached garages to the rear.

With regards to the individual designs of the properties it is noted that they would be 'split-level' dwellings which would have the appearance of one-storey to one and a half storey when viewed from Talbot Street and two-storey to two and a half storey when viewed from Coverdale. It is considered that this design approach would be acceptable and the dwellings would include eaves and verge detailing, bay windows and cills and headers as well as 'chunky' timber posts within the porches, timber cladding and suitably coloured render to reinforce the National Forest identity of the scheme. The overall scale of the properties would reflect those of the surrounding area and the variation in the roof types would enhance the architectural standards of the immediate environment.

Although the materials to be used in the construction of the dwellings have been partially specified in the application forms not all the materials have been noted and as such it is considered that it would be appropriate to condition any planning consent to ensure that samples of the materials to be used are submitted for approval to ensure that appropriate materials are utilised.

Overall the layout, design and scale of the dwellings are considered to be appropriate and would ensure that the development accords with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan.

Highway Safety

The County Highways Authority has raised no objections to the proposal subject to appropriate conditions on any grant of planning permission. The appropriate visibility for the new access would be achieved with the cutting back and slight removal of the vegetation along the south-western (front) boundary with the access point serving all of the properties. A new access road

would run in front of the properties with associated off-street parking also being provided. Vehicular manoeuvring facilities to ensure that vehicles vacate the site in a forward direction would also be accommodated with the site boundaries.

Paragraph 32 of the NPPF indicates that *"development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe."* In the circumstances that the County Highways Authority has not objected to the application it is considered that the development would not have a severe impact on highway safety and as such it would accord with Paragraph 32 of the NPPF as well as Policies T3 and T8 of the Local Plan.

Ecology

Both Natural England and the County Ecologist are satisfied that the development would not have an adverse impact on any protected species, or the Grace Dieu and High Sharpley Site of Special Scientific Interest (SSSI), subject to the imposition of conditions on any consent. A condition requesting a method statement for the construction of the development would also be imposed on any consent to ensure that any debris from the development does not fall within the Grace Dieu Brook and is as requested by the County Ecologist. Whilst the County Ecologist has requested a condition for a pre-development check of the site for badger sett's should be carried out it is considered that this would be an unreasonable request in the circumstances that badgers could be established on any site between the decision on an application and the commencement of development, as such a suitably worded note to the applicant would be included on any consent. In the circumstances that the habitat of protected species would be preserved it is considered that the development would accord with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping and National Forest Planting

Both the Council's Tree Officer and the National Forest Company have no objections to the scheme subject to appropriate conditions. The amount of trees retained would accord with the planting standards of the National Forest and the provision of additional landscaping, in the form of trees and mature hedgerows, would further reinforce this planting. Given the importance that the trees have on the visual amenity of the area, with the Council's Tree Officer considering the trees worthy of a tree preservation order (TPO), it is proposed to restrict the extent of the residential gardens to each property to ensure that the trees retained, and potentially planted, are protected from various works by any future occupants of the property which would impact on their integrity. A condition requesting the submission of a management plan for the future maintenance of the wood, as well as the provision of footpath access to this site, would be imposed on any consent. In the circumstances that the woodland would be retained and enhanced it is considered that the development would accord with Policies E2, E7, F1, F2 and F3 of the Local Plan.

Other Matters

Concerns have been expressed regarding increased flooding of the Grace Dieu Brook and the views of the Environment Agency are awaited following consultation. The Environment Agency previously advised, in a consultation response to application reference 07/00566/FUL, that *"the site is located in Flood Zone 1 and the risk of fluvial flooding to the site is less than 0.1% in any one year and the site lies outside the 1 in 1000 year floodplain. Generally this means that the chances of flooding each year from rivers is 0.1% (1 in 1000) or less."* In terms of the increased risk of flooding elsewhere as a result of the proposed development, the Agency advises that there has been historic flooding problems with Grace Dieu Brook, and it would therefore be necessary for the development to incorporate sustainable drainage techniques (such an approval can involve a range of techniques including soakaways, infiltration trenches,

permeable pavements, grassed swales ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site). In the circumstances that the suggestions of the Environment Agency are included in any planning consent it is considered that the development would accord with Paragraph 103 of the NPPF. It is considered that the imposition of a surface water condition would also meet the request of Severn Trent Water although it is considered that the imposition of a condition for an agreement on foul drainage discharge would not be required in this instance given that these matters would be addressed under separate legislation (Building Regulations and by Severn Trent Water themselves).

With regard to the issue relating to the potential impacts of the development on television reception it is considered that although this would be a material planning consideration no evidence has been provided to suggest that the provision of eight dwellings would have an adverse impact on television reception particularly as their ridge heights would not be substantially higher than neighbouring properties.

Summary Reasons for Granting Planning Permission

The site is situated within the defined limits to development where the principle of this form of development is acceptable and although the development would be situated on a greenfield site the inability of the Local Authority to demonstrate a five year housing land supply would not restrict the development of the site under Policy H4/1, which is considered out of date. As the area is sustainable and the development would not result in the loss of protected open space the principle of the proposal would be accepted. It is considered that the density of the scheme would be acceptable, taking into account the site constraints, the suitable housing mix achieved and the need to provide appropriate landscaping, and would accord with Policy H6 of the Local Plan. The amendments made to the development proposals have ensured that a satisfactory relationship with the dwelling at No. 104 Talbot Street would be established and that the overall heights of the dwellings and restriction on the residential curtilages of the properties would also ensure that the amenities of the occupants of properties on Coverdale would not be impinged upon significantly, as such the development would accord with Policy E3 of the Local Plan. It is considered that the scheme has been designed in a manner which would respect the existing building line along Talbot Street and the retention of a substantial amount of the existing landscaping, as well as its reinforcement, would ensure that the scheme would not result in the entire loss of this greenfield site. The individual designs of the properties would also enhance the architectural standards of the immediate environment and in these circumstances the scheme would respect the character and appearance of the streetscape and surrounding area in accordance with Paragraphs 57, 60 and 61 of the NPPF and Policies E4, F1 and H7 of the Local Plan. It is acknowledged that the County Highways Authority have no objections to the formation of the vehicular access to serve the potential dwellings and in these circumstances the proposal would not be severely detrimental to highway safety, given that sufficient off-street parking and manoeuvring facilities would also be provided, and would accord with Paragraph 32 of the NPPF as well as Policies T3 and T8 of the Local Plan. Both Natural England and the County Ecologist have raised no objections to the application, subject to the imposition of appropriate conditions, and as such the development would accord with Paragraph 118 of the NPPF and Circular 06/05. The existing landscaping would be substantially retained on the site with additional landscaping also being proposed, it is considered that the restriction of the residential curtilages for the dwellings and the submission of a management plan would ensure compliance with Policies E2, E7, F1, F2 and F3 of the Local Plan. The Environment Agency suggested that conditions be imposed on the previous application refused on the site to agree the sustainable drainage techniques for surface water management and in the circumstances that these conditions are included on any consent it is considered that the proposal would not worsen any localised flooding issue which would ensure compliance with Paragraph 103 of 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 This development shall be implemented in accordance with drawing number 1115-02, received by the Local Authority on the 23rd January 2013, drawing number 1115-12, received by the Local Authority on the 9th April 2013, and drawing numbers 1115-09 Revision A; 1115-11 Revision B; 1115-13; 1115-14, received by the Local Authority on the 18th June 2013, unless otherwise required by another condition of this permission.

Reason - for the avoidance of doubt and to determine the scope of the permission.

- 3 Notwithstanding the details shown on the approved plans, no development shall commence until a schedule of external materials and brick bonds to be used in the new dwellings and external finishes to the window and door units have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details which shall thereafter be so retained.

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

- 4 Notwithstanding the details shown on the approved plans, no development shall commence on site until detailed drawings of the eaves/verge detailing to the properties have been submitted to and agreed in writing by the Local Planning Authority. The works shall then be carried out in accordance with the approved details which shall thereafter be so retained.

Reason - to enable the Local Planning Authority to retain control over the external appearance as no precise details have been submitted.

- 5 No development shall commence on site until details of the location and design of a bin collection area have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed scheme which shall thereafter be so retained.

Reason - to ensure the development takes the form envisaged by the Local Planning Authority, in the interests of amenity and highway safety.

- 6 Notwithstanding the provisions of Classes A, B, C and E 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 new dwellings shall not be enlarged, improved or altered nor shall any building, enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse be provided within the curtilage of the new dwellings 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 site's location and relationship with residential properties.

- 7 The residential curtilage's for the properties shall be restricted to the area outlined in red on the attached plan number LPA/13/00060/FUL.

Reason - to enable the Local Planning Authority to retain control over future development in view of the form of development proposed and its location, in the interests of residential amenities and to protect the amenity of the trees and maintain the wildlife habitat.

- 8 Notwithstanding the details showed on the approved plans before first occupation/use of the dwellings, hereby approved, a scheme of soft and hard landscaping (including for retention of existing trees and hedgerows) and boundary treatment scheme for the site (which will include the detailed design of any retaining walls), shall be submitted to and agreed in writing by the Local Planning Authority. The approved soft landscaping scheme shall be implemented in the first planting and seeding season following the first occupation/use of the dwelling unless an alternative implementation programme is first agreed in writing with the Local Planning Authority. The approved hard landscaping and boundary treatment schemes shall be provided in full prior to the occupation of any of the dwellings unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be so retained.

Reason - to ensure a satisfactory landscaping scheme is provided within a reasonable period and in the interests of visual amenity given the site's location in the National Forest.

- 9 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.

- 10 Prior to the first occupation of any dwelling on the site a landscape/ecological management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), together with a timetable for its implementation, shall be submitted to and agreed in writing by the Local Authority. The development shall be carried out in accordance with the landscape management plan, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority.

Reason - to ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of nature conservation value of the site in line with National planning policy and to provide an appropriate form of development given its setting with the National Forest.

- 11 Notwithstanding the details shown on the submitted plans, or Condition 2 above, prior to first occupation of any dwelling on the site an amended plan shall be provided showing a pedestrian access from Talbot Street into the wooded area to the north-east of the

dwellings to allow maintenance of the retained woodland. Once agreed the pedestrian access shall be provided before first occupation of any dwelling on the site and shall thereafter be so retained.

Reason - to ensure that the woodland area can be maintained in accordance with the agreed management plan without disturbance to residential amenities.

- 12 No development shall commence on site until details of the protective fencing for the trees and its position on the site has been submitted to and agreed in writing by the Local Authority. Once agreed the protective fencing shall be provided in accordance with the approved details and shall be kept in place until all works relating to the development proposals are complete.

Reason - in the interest of health and safety and the amenity value of the trees.

- 13 There shall be no storage of materials, plant, skips, equipment and/or other items associated with the development hereby approved, mixing of materials, vehicular movements or fires or other ancillary works associated within any of the areas bounded by the protective fencing.

Reason - in the interests of health and safety and the amenity value of the trees.

- 14 The development shall be carried out in strict accordance with the recommendations outlined in Points (b), (c) and (d) of Section 6 (Mitigation, Compensation & Further Survey Recommendations) of the Ecological Walkover Survey by EMEC Ecology of September 2013, received by the Local Authority on the 12th September 2013.

Reason - to ensure that protected species are adequately protected and their habitat enhanced.

- 15 No development shall commence on site until a method statement for the construction of the development has been submitted to and agreed in writing by the Local Planning Authority. The method statement shall have particular regard to the measures which will be provided to prevent soil, rubble and other construction materials being deposited within the retained woodland or the Grace Dieu Brook. Once agreed the development shall thereafter be carried out in strict accordance with the method statement.

Reason - to ensure that protected species are adequately protected and their habitat enhanced.

- 16 No gates 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.

- 17 The gradient of the access drive shall not exceed 1:12 for the first 10 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.

- 18 Before first occupation of any dwelling on the site the following shall be provided: -
o 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

10 metres behind the Highway boundary;

o 2.0 metre by 2.0 metre pedestrian visibility splays shall be provided on the Highway boundary on both sides of the access in accordance with the current standards of the Highway Authority.

o Visibility splays of 2.4 metres by 59 metres shall be provided at the junction of the access with Talbot Street;

Once provided the measures shall thereafter be so retained in perpetuity with nothing being allowed to grow above a height of 0.6 metres above ground level in the pedestrian visibility splays and nothing being allowed to grow above a height of 0.9 metres above ground level in the visibility splays.

Reasons - to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.); in the interests of pedestrian safety and 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.

19 Before occupation of any dwelling, the existing footway shall be widened to 2 metres in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority.

Reason - the Highway fronting the site has substandard footway provision and the proposal would lead to an increase in pedestrian movement along the Highway.

20 For the period of construction of the development within the site, vehicle wheel cleansing facilities shall be provided within the site and all vehicles exiting the site shall have all tyres and wheels cleaned, as may be necessary, before entering the Highway.

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

21 For the period of construction of the development, vehicle parking facilities shall be provided within the site and all vehicles associated with the development shall be parked within the site.

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

22 No development shall commence on site until a scheme for the provision and implementation of a Sustainable Drainage (SuDs) system has been submitted to and approved in writing by the Local Planning Authority. The system shall be installed in accordance with the approved programme and details.

Reason - to ensure the satisfactory provision of drainage facilities to serve the proposed development are provided whilst preventing an increase in flood risk, protecting rivers and enhancing the habitat potential of the development.

23 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be

passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason - to prevent pollution of the water environment.

- 24 No development shall commence on site until details of existing and finished ground levels and the proposed floor levels of the buildings in relation to an existing datum point off the site have been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason - to ensure that the development takes the form envisaged by the Local Planning Authority and in the interests of residential amenities given that no precise details have been provided.

Notes to applicant

- 1 Planning permission been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant 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).
- 2 As of the 22nd November 2012 written requests to discharge one or more conditions on a planning permission must be accompanied by a fee of £97.00 per request. Please contact the Local Planning Authority on (01530) 454665 for further details.
- 3 In order to provide the visibility splays detailed above it will be necessary to trim back the hedges across the site frontage.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Northern Area Manager (telephone 0116 305 0001).
- 5 The Highway boundary is the hedge fronting the premises and not the edge of the carriageway/road.
- 6 The proposed roads do not conform to an acceptable standard for adoption and therefore they will NOT be considered for adoption and future maintenance by the Highway Authority. The Highway Authority will, however, serve APCs in respect of all plots served by all the private roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the APC may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details see www.leics.gov.uk/htd or phone 0116 2656782.
- 7 The Developer will be required to enter into an agreement with the Highway Authority under Section 278 of the Highways Act 1980 for works within the highway and detailed plans shall be submitted and approved in writing by the Highway Authority. The Section 278 Agreement must be signed and all fees paid and surety set in place before the Highway works are commenced. Any statutory undertaker apparatus that requires relocation shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the relevant authority.
- 8 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Grace Dieu Brook a designated 'main river.'

- 9 Surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management (SUDS). This approach involves using a range of techniques including soakaways, infiltration trenches, permeable pavements, grassed swales, ponds and wetlands to reduce flood risk by attenuating the rate and quantity of surface water run-off from a site. This approach can also offer other benefits in terms of promoting groundwater recharge, water quality improvements and amenity enhancements. Approved Document Part H of the Building Regulations 2000 sets out a hierarchy for surface water disposal which encourages a SUDS approach. Further information on SUDS can be found in the CIRIA C522 document Sustainable Urban Drainage Systems design manual for England and Wales and the Interim Code of Practice for Sustainable Drainage Systems. The Interim Code of Practice provides advice on design, adoption and maintenance issues and a full overview of other technical guidance on SUDS. The Interim Code of Practice is available on both the Environment Agency's website at: www.environment-agency.gov.uk and CIRIA's website at www.ciria.org.uk.
- 10 Bats are a rare and declining group of species. Hence, all British species of bat and bat roosts are fully protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats) Regulations 1994 making it an offence to intentionally kill or injure or disturb these species whilst in a place of shelter or protection or disturb bat roosts. If bat or bat roosts are discovered during work on the development, the relevant work should be halted immediately and Natural England (Tel. 0115 929 1191) should be notified and further advice sought. Failure to comply with this advice may result in prosecution and anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both.
- 11 The applicant must ensure that people carrying out the works are made aware of the legal status of breeding birds, and that they proceed with care to ensure that if any breeding birds are present, they are not killed, injured or disturbed. If a breeding bird is discovered it should be left undisturbed and the relevant work should be halted immediately until the young birds have flown. Failure to comply with this may result in prosecution any anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both, as it is an offence to disturb nesting/breeding birds.
- 12 Prior to the commencement of development a check of the site for the presence of badger sett's shall be carried out. Should any sett's be discovered the presence of a qualified ecologist will be required to ensure that the progression of the development would not have an adverse impact on this protected species.