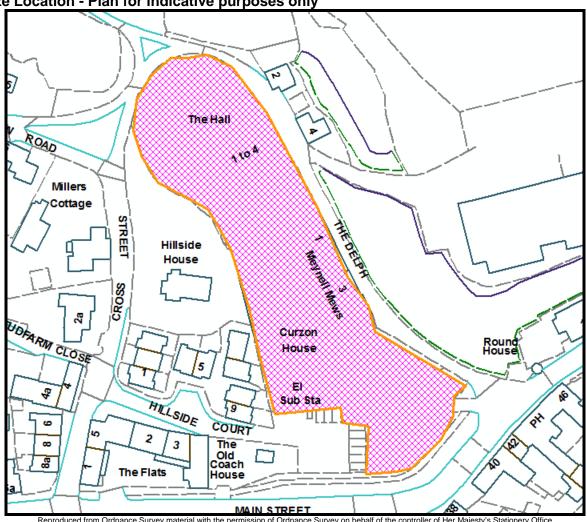
Variation of Condition 1 and removal of Condition 2 Report Item No associated with planning permission reference 15/00648/VCI A7 to allow for the removal of part of boundary wall (retrospective) and formation of a vehicular and pedestrian access off The Delph with associated brick piers and gates. **Breedon Hall Main Street Breedon On The Hill Derby DE73 Application Reference** 16/00371/VCI 8AN Applicant: **Date Registered** Mr And Mrs C Meynell 21 March 2016 **Case Officer: Target Decision Date** Adam Mellor 16 May 2016

**Recommendation:** PERMIT

# Site Location - Plan for indicative purposes only



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# EXECUTIVE SUMMARY OF PROPOSALS

# Call In

The application is brought to the Planning Committee as the applicant is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation have been received.

#### Proposal

Permission is sought for the variation of Condition 1 and removal of Condition 2 associated with planning permission reference 15/00648/VCI to allow for the removal of part of boundary wall (retrospective) and formation of a vehicular and pedestrian access off The Delph with associated brick piers and gates at Breedon Hall, Main Street, Breedon on the Hill.

#### Consultations

Two representations have been received objecting to the application. Breedon on the Hill Parish Council and all other statutory consultees have no objections subject to the imposition of conditions on any consent granted.

# **Planning Policy**

It is considered that the development would comply with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the adopted North West Leicestershire Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation) Act 1990.

#### Conclusion

The scheme as submitted has been agreed with the Council's Conservation Officer who has raised no objections to the application in the circumstances that the wall which has been removed contained no historic fabric and the installation of the gates would still maintain a strong form of boundary enclosure on The Delph. On this basis the proposed development would result in no harm to the significance of heritage assets and would also result in no adverse impacts on the character and appearance of the streetscape or wider area. No archaeological work would be required in connection with the development. On this basis the proposed development would accord with Paragraphs 131, 132, 137 and 141 of the NPPF, Policy E4 of the adopted Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is also the view of the County Highways Authority that the introduction of additional vehicular movements onto The Delph would not result in adverse impacts on the safe usage of this highway by both vehicles and pedestrians given the level of visibility which would be achieved towards Main Street, the direction vehicles would be travelling, and the overall level of vehicular movements undertaken on this highway being relatively low. On this basis the proposed development would accord with Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

It is therefore recommended that the application be permitted with Condition 1 of the consent being amended to include the revised plan, Condition 2 being omitted given that it is no longer relevant to the scheme, Condition 3 (now 2) being amended to include the materials used for

the gate construction and two additional Conditions (nos. 8 and 9) being added as requested by the County Highways Authority on the previous application. All other conditions remain the same as 15/00648/VCI.

**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 recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

#### MAIN REPORT

# 1. Proposals and Background

This is an application under Section 73 of the Town and Country Planning Act 1990 to "vary" condition 1 and remove condition 2 of planning permission 15/00648/VCI relating to the change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension at Breedon Hall, Main Street, Breedon on the Hill, which was approved on the 9th September 2015. Section 73 relates to development of land without complying with conditions subject to which a previous planning permission was granted. The Council, in considering this application, is only entitled to consider the question of the conditions subject to which planning permission should be granted. Condition 1 of planning permission reference 15/00648/VCI which the applicant wishes to vary is as follows: -

#### Condition 1

"The development shall be carried out in strict accordance with drawing number 2070 - 03 (Site Location Plan), received by the Local Authority on the 9th September 2013, as agreed under application reference 13/00695/NMA, and the following drawing numbers, with the exception of the proposed vehicular access off The Delph which is not approved: -

- Drawing Number 2070 01 A (Survey as Existing);
- Drawing Number 2070 02 E (Proposed Plans & Elevations);
- Drawing Number 2070 04 A (Block Plan);

received by the Local Authority on the 14th July 2015, unless otherwise required by another condition.

Reason - to determine the scope of the permission."

Condition 2 which is to be removed states the following: -

#### Condition 2

"This planning permission does not authorise the provision of a vehicular access off The Delph as shown on the approved plans specified under Condition 1 of this permission.

#### Reason - for the avoidance of doubt."

The formation of an access was originally proposed under the previous application (15/00648/VCI) but was removed following concerns raised by the Council's Conservation Officer who required further information on the historic significance of the part of the wall which was removed. Following further discussions a revised scheme has now been submitted which would see a vehicular and pedestrian access be provided in the same position as previously considered with brick piers and gates also being supplied to access. Should permission be granted condition 2 would no longer be required and hence it is proposed that this condition be removed. Consent is also sought, retrospectively, for the removal of part of the boundary wall.

An application for listed building consent for the removal of part of the boundary wall, which is retrospective, and the formation of new gates and gate piers for access to and from The Delph for both vehicles and pedestrians, referenced 16/00370/LBC, is also under consideration with the Local Planning Authority and forms the basis of a separate report.

A design and access statement and heritage statement have been submitted in support of the

# application.

The recent planning history of the site is as follows: -

- 11/01025/LBC Change of use to C3 (dwellinghouse) and internal alterations Approved 14th February 2012;
- 11/01026/FUL Change of use to C3 (dwellinghouse) Approved 14th February 2012;
- 12/01006/FUL Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey extension Approved 13th February 2013;
- 12/01007/LBC Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension (listed building consent) Approved 13th February 2013;
- 13/00695/NMA Non material amendment to planning permission 12/01006/FUL to allow reduction in number of roof windows proposed and removal of existing (non original) chimney previously proposed for retention Approved 14th November 2013;
- 13/00677/LBC Change of use of former stable block into 3 residential units including external alterations and works along with the erection of a single storey side extension (Amended Scheme to LBC 12/01007/LBC to now include removal of non-original chimney and formation of three roof-lights on north east roof plane) Approved 14th November 2013;
- 15/00637/LBC Retrospective application for conversion of unlisted former stable block within curtilage of listed building into 3 residential units including external works and off-street parking Approved 9th September 2015.

# 2. Publicity

7 no neighbours have been notified (date of last notification 27 April 2016

Press Notice published 6 April 2016 Site notice posted 7 April 2016

#### 3. Consultations

Breedon On The Hill PC consulted 31 March 2016 County Highway Authority County Archaeologist Historic England- Ancient Monument NWLDC Conservation Officer

#### 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.

Breedon on the Hill Parish Council has no objections.

**Historic England** advises that the application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

**Leicestershire County Council - Archaeology** has no objections and confirms that no archaeological work will be required in connection with the proposal.

Leicestershire County Council - Highways has no objections subject to the imposition of conditions on any consent granted.

**NWLDC - Conservation Officer** has no objections and recommends approval of the application.

# Third Party Representations

Two representations have been received from the occupants of nos. 3 and 4 The Lime Kilns who object to the application and whose comments are summarised as follows: -

- Proposed access is unnecessary and not required;
- Entrance to the Hall would create a dangerous 'blind spot' on The Delph which would result in highway safety implications;
- The safety of regular walkers and ramblers accessing the heritage site would be compromised;
- Users of the Hall will be unfamiliar with the highway also being utilised by pedestrians.

# 5. Relevant Planning Policy

# National Policies

# National Planning Policy Framework

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 10 (Achieving sustainable development);

- Paragraph 14 (Presumption in favour of sustainable development);
- Paragraph 17 (Achieving sustainable development);
- Paragraph 28 (Supporting a prosperous rural economy);

Paragraph 32 (Promoting sustainable transport);

Paragraph 39 (Promoting sustainable transport);

- Paragraph 49 (Delivering a wide choice of high quality homes);
- Paragraph 53 (Delivering a wide choice of high quality homes);
- Paragraph 55 (Delivering a wide choice of high quality homes);
- Paragraph 57 (Requiring good design);
- Paragraph 60 (Requiring good design);
- Paragraph 61 (Requiring good design);
- Paragraph 111 (Conserving and enhancing the natural environment);
- Paragraph 118 (Conserving and enhancing the natural environment);
- Paragraph 123 (Conserving and enhancing the natural environment);
- Paragraph 128 (Conserving and enhancing the historic environment);
- Paragraph 129 (Conserving and enhancing the historic environment);
- Paragraph 131 (Conserving and enhancing the historic environment);
- Paragraph 132 (Conserving and enhancing the historic environment);
- Paragraph 134 (Conserving and enhancing the historic environment);
- Paragraph 137 (Conserving and enhancing the historic environment);

Paragraph 141 (Conserving and enhancing the historic environment); Paragraph 203 (Planning conditions and obligations); Paragraph 204 (Planning conditions and obligations);

# Adopted North West Leicestershire Local Plan (2002)

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

Policy S3 - Countryside; Policy E3 - Residential Amenities; Policy E4 - Design; Policy E7 - Landscaping; Policy T3 - Highway Standards; Policy T8 - Parking; Policy H4/1 - Housing Land Release; Policy H6 - Housing Density; Policy H7 - Housing Design;

# Draft Consultation North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council considered a draft Local Plan and resolved to approve the draft Local Plan for consultation. The draft policies listed below are considered relevant to this application. However, in view of the very early stage to which the draft Local Plan has progressed, only very limited weight can be attributed to its policies at this stage.

- Policy S1 Presumption in Favour of Sustainable Development;
- Policy S2 Future Housing and Economic Development Needs;
- Policy S3 Settlement Hierarchy;
- Policy S5 Design of New Development;
- Policy H6 House Types and Mix;
- Policy IF4 Transport Infrastructure and New Development;
- Policy IF7 Parking Provision and New Development;
- Policy En1 Nature Conservation;
- Policy En6 Land and Air Quality;

Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;

- Policy Cc2 Sustainable Design and Construction;
- Policy Cc3 Water Flood Risk;
- Policy Cc4 Water Sustainable Drainage Systems;

# **Other Policies**

#### **National Planning Practice Guidance**

In March 2014 the Government published National Planning Practice Guidance (NPPG) to supplement the NPPF. The Guidance does not change national policy but offers practical guidance as to how such policy is to be applied.

# 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;

# 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;

# Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) requires that special regard shall be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

# 6. Assessment

The principle of the works associated with the conversion of the building into residential units has been established as being acceptable by virtue of the approval of application references 12/01006/FUL, 13/00695/NMA and 15/00648/VCI. In these circumstances the only matter for consideration relates to whether the formation of the vehicular access off The Delph, and the provision of the gates, would impact on the historic integrity of the heritage assets as well as its suitability from a highway safety perspective.

#### Impact on the Historic Environment and Streetscape

Breedon Hall is a Grade II Listed Building with the walls around the northern sides of the grounds associated with the Hall being separately listed as Grade II. Whilst the wall removed as part of this application is not 'Listed' under the separate wall designation, Listed Building Consent is required as the wall would be curtilage listed. The site as a whole is within the Breedon on the Hill Conservation Area.

The supporting heritage statement identifies that the wall into which the access would be formed is a section of non-original, non-historic wall which has no stone coping and is simply capped in brickwork. This area of wall included a timber pedestrian gate and is believed to date from the twentieth century. A 4.9 metre section of this wall would be removed to provide the vehicular access with brick piers and hardwood timber gates (height 1.65 metres) being installed in order to maintain a strong form of boundary enclosure along The Delph.

In commenting on the application the Council's Conservation Officer has identified that "I would not object to the installation of access gates on The Delph in the manner proposed. The section of wall removed contained no historic fabric; the proposed design would be without undue embellishment and would - when closed - maintain the strong form of boundary enclosure on The Delph." It is also stated that "The proposed gates would be hardwood, left to weather naturally. They would incorporate a wicket gate. I would recommend approval of this application."

Given the above views it is considered that the proposal would result in no harm to the significance of the heritage assets given that the strong form of boundary enclosure would be

maintained on The Delph and no historic fabric would be adversely impacted on. It is also considered that the proposed development would result in no adverse impacts on the character and appearance of the streetscape or wider area.

The County Council Archaeologist has confirmed that there would be no requirement for archaeological work to be carried out in connection with the proposal.

In these circumstances the proposed development would accord with Paragraphs 131, 132, 137 and 141 of the NPPF, Policy E4 of the adopted Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

# **Highway Safety**

The County Highways Authority have raised no objections subject to the imposition of conditions on any consent granted.

Within the supporting information it is highlighted that the additional access is necessary for use by the residents of the converted outbuildings in order to avoid conflict with the movement of vehicles associated with the Hall itself.

Whilst representations have been received raising concerns about the safety of pedestrians on The Delph and the suitability of the access position, such views are not shared by the County Highways Authority. The overall level of vehicular activity on The Delph would be fairly low, given the amount of dwellings served by this carriageway, and most vehicles would be turning right out of the site towards Main Street. The level of visibility provided towards Main Street from the site access would be in accordance with the County Council's guidance and would ensure that movements out of the site could be carried out in a safe manner. Any lack of visibility from the access further up The Delph would not be of such detriment as to warrant a refusal of the application given the level of vehicular activity from that direction. The carriageway from the site access to Main Street would also be of a sufficient width to ensure that the movement of vehicles would not substantially conflict with that of pedestrians.

Paragraph 32 of the NPPF advises that applications should only be refused on highway grounds where the cumulative impacts are severe and given the above conclusions it is considered that the proposal would not conflict with the principles of this Paragraph or the aims of Policy T3 of the adopted Local Plan.

#### Summary Reasons for Granting Planning Permission

The scheme as submitted has been agreed with the Council's Conservation Officer who has raised no objections to the application in the circumstances that the wall which has been removed contained no historic fabric and the installation of the gates would still maintain a strong form of boundary enclosure on The Delph. On this basis the proposed development would result in no harm to the significance of heritage assets and would also result in no adverse impacts on the character and appearance of the streetscape or wider area. No archaeological work would be required in connection with the development. On this basis the proposed development would accord with Paragraphs 131, 132, 137 and 141 of the NPPF, Policy E4 of the adopted Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

It is also the view of the County Highways Authority that the introduction of additional vehicular movements onto The Delph would not result in adverse impacts on the safe usage of this

highway by both vehicles and pedestrians given the level of visibility which would be achieved towards Main Street, the direction vehicles would be travelling, and the overall level of vehicular movements undertaken on this highway being relatively low. On this basis the proposed development would accord with Paragraph 32 of the NPPF and Policy T3 of the adopted Local Plan.

It is therefore recommended that the application be permitted with Condition 1 of the consent being amended to include the revised plan, Condition 2 being omitted given that it is no longer relevant to the scheme, Condition 3 (now 2) being amended to include the materials used for the gate construction and two additional Conditions (nos. 8 and 9) being added at the request of the County Highways Authority. All other conditions remain the same as 15/00648/VCI.

# **RECOMMENDATION - PERMIT**, subject to the following conditions;

- 1 The development shall be carried out in strict accordance with drawing number 2070 -03 (Site Location Plan), received by the Local Authority on the 9th September 2013, as agreed under application reference 13/00695/NMA, drawing numbers 2070 - 01 A (Survey as Existing) and 2070 - 04A (Block Plan), received by the Local Authority on the 14th July 2015, as agreed under application reference 15/00648/VCI, and the following drawing number: -
- Drawing Number 2070 02 G (Proposed Plans & Elevations); received by the Local Authority on the 22nd April 2016, unless otherwise required by another condition of this permission.

Reason - to determine the scope of the permission.

- 2 The development shall be constructed in accordance with the following materials: -
- Bricks Salvaged bricks;
- Lintels As shown on drawing numbers 2070 05 (Proposed Joinery Details for Doors) and 2070 06 (Proposed Joinery Details for Windows), received by the Local Authority on the 5th September 2013;
- Roofing Materials To match existing roof tiles if any are necessary;
- Rain Water Goods Black Powder Coated Aluminium Rainwater Goods and Proposed Outlet Pipes and Mechanical Extraction Systems as specified in the letter from David Richards of Montague Architects to James Mattley of the 4th September 2013 (Ref: DRR MAJ 2070), received by the Local Authority on the 5th September 2013, in the positions shown on drawing number 2070 - 02 C (Proposed Plans & Elevations), received by the Local Authority on the 5th September 2013;
- Windows and Doors As shown on drawing numbers 2070 05 (Proposed Joinery Details for Doors) and 2070 06 (Proposed Joinery Details for Windows) with the materials as specified on drawing number 2070 02 C (Proposed Plans & Elevations), received by the Local Authority on the 5th September 2013;
- Rooflights in accordance with the details supplied by the Rooflight Company on the drawing referenced CR\_WRCS\_LS\_B, received by the Local Authority on the 5th September 2013;
  - As discharged in the correspondence from James Mattley to Andrew Shannon of Montague Architects of the 3rd October 2013 under application reference 12/01007/LBC, as well as the following materials relating to the gate and brick piers: -
- Gates Hardwood timber gates left to weather naturally with no paint or stain finish being applied;
- Brick Piers In accordance with the details specified on drawing number 2070 02 G

(Proposed Plans & Elevations) received by the Local Authority on the 22nd April 2016.

- Reason to ensure that the works are executed in an appropriate manner given the sites location in within the curtilage of a Listed Building.
- 3 The development shall be carried out in accordance with the recommendations of the bat survey report prepared by Peter Harris of Train4ecology of September 2013 attached to an email from Andrew Shannon of Montague Architects to James Mattley of the 27th September 2013, received by the Local Authority on the 27th September 2013, and as discharged in the correspondence from James Mattley to Andrew Shannon of Montague Architects of the 3rd October 2013 under application reference 12/01006/FUL.
- Reason to ensure that bats are not inhabiting the roofspace at the time that the development commences.
- 4 No external lighting or floodlighting shall be installed unless precise details have first been submitted to and agreed in writing with the Local Planning Authority.
- Reason in the interests of the visual amenities of the locality, the heritage assets and to avoid against impacts upon protected species.
- 5 The car parking spaces shown on drawing number 2070 02 E (Proposed Plans & Elevations) and 2070 04 A (Block Plan), received by the Local Authority on the 14th July 2015, shall be provided with dimensions of 5.5 metres in length by 2.4 metres in width, with an additional 0.5 metres being added to the width of the car parking space abutting the communal laundry room, within one month of the date of the approval date of this application and shall thereafter be available for the parking of vehicles at all times.

# Reason - to ensure that an adequate level of off-site car parking is required and to avoid against off-street car parking associated with the development.

6 The development shall be carried out in strict accordance with the Historic Buildings Survey of Former Stable Building at Breedon Hall, Breedon on the Hill, Leicestershire by Pre-Construct Architecture (Ref No. 11491), attached to an email from David Richards of Montague Architects to James Mattley of the 13th September 2013, received by the Local Authority on the 13th September 2013, and as discharged in the correspondence from James Mattley to Andrew Shannon of Montague Architects of the 3rd October 2013 under application reference 12/01006/FUL.

#### Reason - to ensure satisfactory archaeological investigation and recording.

- 7 The foul and surface water drainage for the development shall be provided in strict accordance with that shown on drawing numbers 2070 01 B (Survey as Existing) and 2070 02 C (Proposed Plans & Elevations), received by the Local Authority on the 5th September 2013, and as discharged in the correspondence from James Mattley to Andrew Shannon on Montague Architects of the 3rd October 2013 under application reference 12/01006/FUL.
- Reason to ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 8 Before first use of the access off The Delph, hereby permitted, the following shall be provided: -
- Turning facilities shall be provided hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained;
- The access drive and any turning space shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 5.0 metres behind the highway boundary;
- Drainage shall be provided within the site such that surface water does not drain into the public highway.

Once provided the above shall thereafter be so permanently maintained.

- Reasons to reduce the possibility of deleterious material being deposited in the highway (loose stones etc.); to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
- 9 The vehicular access gates, as well as the pedestrian wicket gate, shall be hung so as to not open outwards.
- Reason to protect the free and safe passage of traffic, including pedestrians, in the public highway.

# Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through early engagement with the applicant at the pre-application stage 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 2015.
- 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 You are reminded to comply with the conditions attached to 16/00370/LBC.
- 4 Severn Trent Water advise that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.
- 5 This planning permission does NOT allow you to carry out access alterations in the highway. Before such works can begin, separate permits or agreements will be required under the Highways Act 1980 from either the Infrastructure Planning Team (for 'major' accesses serving more than one dwelling) or the Highways Manager (for 'minor' accesses serving one dwelling only). For further information, including contact details, you are advised to visit the County Council website as follows: -

For 'major' accesses - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg For 'minor' accesses serving one dwelling contact the Customer Service Centre team Tel: 0116 3050001.