

Erection of 13 dwellings along with vehicular access,
landscaping and car parking

Report Item No
A2

Land At The Spittal Castle Donington Derby DE74 2NQ

Application Reference
16/00027/FULM

Applicant:
Quod Bonum (FFS) Ltd

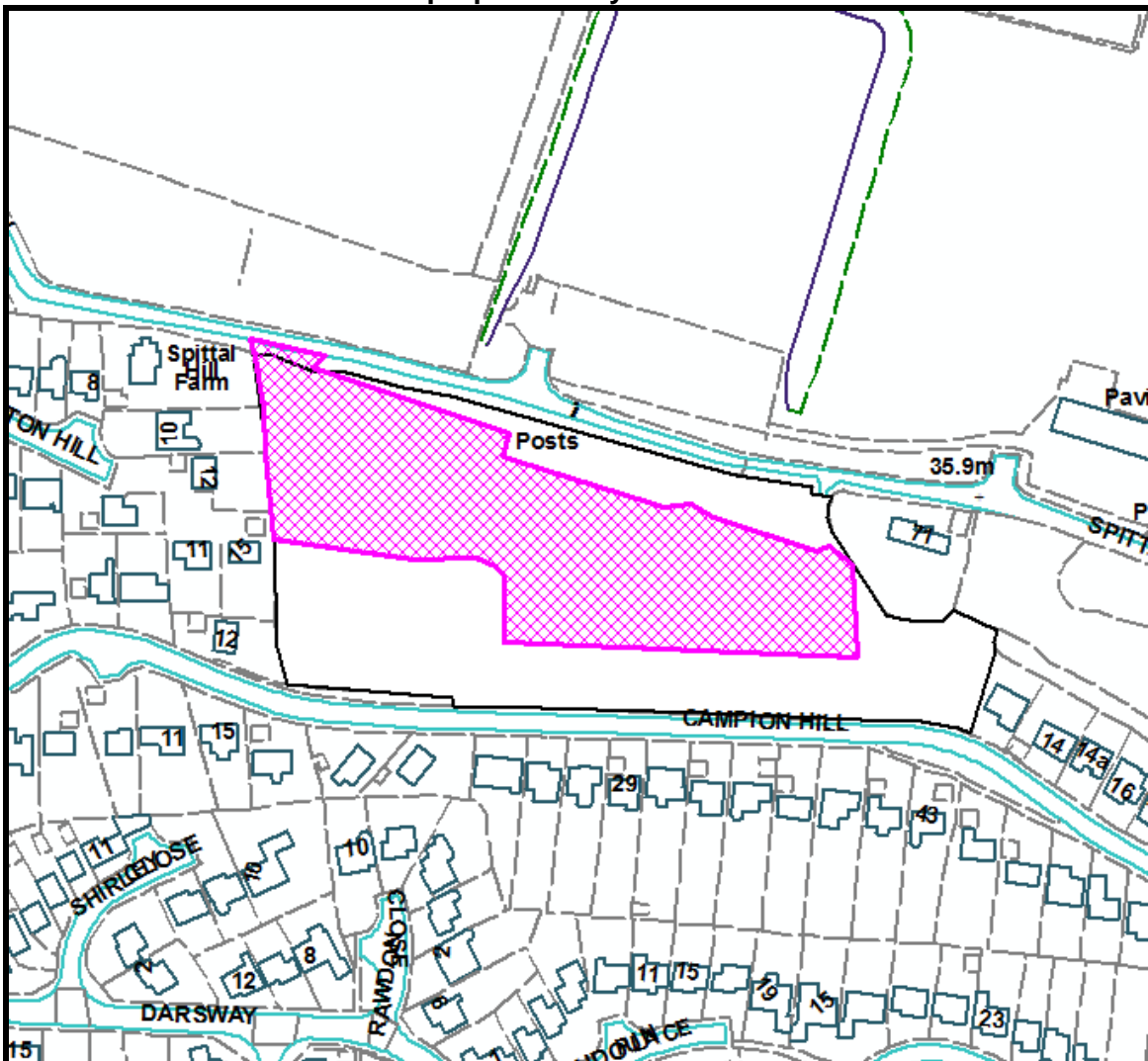
Date Registered
7 January 2016

Case Officer:
Adam Mellor

Target Decision Date
7 April 2016

Recommendation:
PERMIT Subject to a Section 106 Agreement

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

The application has been brought to the Planning Committee at the request of Councillor Canny on the basis that the proposal would impact adversely on a sensitive area, the design of the dwellings were not in keeping with the character of the area, protected species would be adversely affected and that there would be subsidence issues due to the need to provide retaining walls.

Proposal

Planning permission is sought for the erection of 13 dwellings along with the formation of a new vehicular access at land off The Spittal in Castle Donington. The application site is located on the southern side of The Spittal and is within the defined Limits to Development as well as a Sensitive Area which would be assessed against Policy E1 of the adopted North West Leicestershire Local Plan ("Local Plan").

Consultations

Fifteen third party representations have been received objecting to the application. Castle Donington Parish Council have also objected to the proposals. All other statutory consultees have no objections subject to the imposition of conditions on any consent granted.

Planning Policy

Whilst the principle of the development would conflict with the aims of Policy E1 of the adopted Local Plan, and in part the environmental strand of sustainability, the degree of conflict would not be of such significance to suggest that the application should be refused and would be outweighed by other factors as well as the limited weight afforded to Policy E1 in the decision making process. In addition the developments conflict with Policies H6 and L21 of the adopted Local Plan would not justify reasons to refuse the application. Notwithstanding these conflicts the development would remain compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the adopted Local Plan, draft Local Plan and other relevant guidance.

Conclusion

Although the application site is a greenfield site and part of a Sensitive Area, it is considered that the conflict with the environmental strand of sustainability, as well as Policy E1 of the adopted Local Plan, would be outweighed by the positive social and economic sustainability credentials of the site. This is on the basis that the development could be integrated onto the site whilst also maintaining important landscape features, which would screen the development, and that it would not be isolated from built forms given the relationship with residential development to the west and south of the site. Consideration also needs to be given to the fact that the designation of the site as a Sensitive Area will not be progressed in the Submission Local Plan. Overall the development would be compliant with the key principles of the NPPF, specifically Paragraphs 28 and 55.

Whilst having a density of development which would be lower than the threshold normally expected in the settlement, given the constraints and importance in maintaining landscaping on the site, it is considered that the proposed density of 13 dwellings is an efficient use of the land

in this instance. In addition, the conflict with Policy H6 of the adopted Local Plan would not substantiate a refusal of the application. An appropriate housing mix would be provided in accordance with Paragraph 50 of the NPPF.

It has been confirmed that the education contribution sought will be paid, given that the District Valuer has confirmed such a payment would not compromise the viability of the development, and therefore the development is considered compliant with Paragraphs 173, 203 and 204 of the NPPF.

The submitted plans, as well as section drawings, have identified that the residential development could be provided without adversely affecting the amenities of existing occupants and that it would also protect future amenities in respect of overbearing, overshadowing, overlooking or noise impacts. As such, the development is considered compliant with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

As submitted, the scheme has been assessed against Building for Life 12 by the Council's Urban Designer and has been merited with 12 green indicators. It is considered, therefore, that the design and layout of the development would be a positive addition to the settlement and would raise the design standard in the immediate area. This is on the basis that the landscape and architectural led qualities of the scheme in comparison to the modern standardised house types to the south and west which would be viewed in the same context. It is also considered that no harm would be caused to the setting of heritage assets to the east of the site. On this basis the development would accord with Paragraphs 57, 60, 61, 63, 131, 132, 134 and 137 of the NPPF, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies E4 and H7 of the adopted Local Plan.

In respect of highway and pedestrian safety, the County Council Highways Authority has raised no objections subject to the imposition of conditions on any consent granted with one such condition proposing the widening of The Spittal. On this basis it is considered that the additional vehicular movements associated with the development would not compromise the free and safe passage of vehicles on the highway as the level of pedestrian movements would be no different to those experienced on the eastern part of The Spittal where no pedestrian footway exists. Within the site a sufficient level of off-street parking would be supplied, as well as adequate manoeuvring facilities. In conclusion the development would not be severely detrimental to highway safety and would accord with Paragraphs 32 and 39 of the NPPF, and Policies T3 and T8 of the adopted Local Plan.

Subject to the imposition of conditions on any consent granted for the dense scrub and escape route for protected species to be provided and thereafter retained and low level bollard lighting being installed, it is considered that the implications of the development on protected species would be adequately mitigated and would ensure compliance with Paragraph 118 of the NPPF and Circular 06/05.

The Council's Tree Officer has concluded that the proposed layout will be acceptable and will ensure that important trees on the site could be retained. It would, however, be necessary to impose conditions requesting a soft landscaping scheme and a site specific tree protection plan. Subject to such conditions being imposed on any consent granted, the development would accord with Policies E2 and E7 of the adopted Local Plan.

A condition would also be imposed to secure flood risk mitigation measures, with surface water drainage also being appropriately controlled via a planning condition, and on this basis the development accords with Paragraph 103 of the NPPF. In terms of foul drainage, this would be

directed to the mains sewer with any connection being agreed with Severn Trent Water who have advised that a condition be imposed on any consent granted. On this basis the proposal accords with Paragraph 120 of the NPPF.

No objections, or requirement for mitigation, has been suggested by the County Council Archaeologist and as such, the development is compliant with Paragraph 141 of the NPPF. The imposition of conditions will also address land contamination concerns, in accordance with Paragraphs 120 and 121 of the NPPF. No representation has been received from East Midlands Airport Safeguarding and therefore the development is considered compliant with Policy T20 of the adopted Local Plan.

It is therefore recommended that the application be permitted subject to the completion of a Section 106 Agreement to secure the education contribution.

RECOMMENDATION - PERMIT, subject to conditions and the completion of a Section 106 Agreement.

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 STREET**1. Proposals and Background**

Planning permission is sought for the erection of 13 dwellings along with vehicular access, landscaping and car parking at land at The Spittal, Castle Donington. The 0.78 hectare site is located on the southern side of The Spittal, to the north and west of properties on Campion Hill and to the east of dwellings on Walton Hill, and falls within the Limits to Development as well as land identified as a Sensitive Area under Policy E1 of the adopted Local Plan. To the north of the site lies The Spittal Recreation Ground with the western boundary of the Castle Donington Conservation Area being situated to the east. It is also noted that the land to the north of the site lies within Flood Zones 2 and 3, therefore at a medium to high risk of flooding.

The scheme consists of the provision of 13 detached dwellings which would range from two-storey to three-storey in height, with those properties which are three-storey being designed to utilise the ground floor as a retaining support due to the topography of the site. An internal access road from The Spittal would run parallel with this highway, with two units being located to the north of the access road and the remaining eleven being to the south of the access road. All units, with the exception of plots 2, 4 and 7, would be orientated to face onto The Spittal and it is proposed that a mix of three, four and five bedroom properties would be provided.

Off-street parking is proposed for each dwelling with all of the plots being served by integral garages.

A design and access statement, Building for Life 12 statement, draft heads of terms for a Section 106 Agreement, highway impact statement, protected species survey, heritage statement, trial pit investigation and arboricultural survey and report have been submitted in support of the application.

Relevant planning history associated with the site is as follows: -

- 74/0725/P - Erection of dwellings and formation of access - Refused 18th December 1974 (Land at No. 71 The Spittal);
- 80/1208/P - Erection of a single storey dwelling (outline) - Refused 17th December 1980 (Land at No. 71 The Spittal);
- 92/0092/P - Erection of a two-storey dwelling - Refused 18th March 1992 (Land at No. 71 The Spittal);
- 93/0959/P - Erection of a detached dwelling (outline) - Refused 17th November 1993 (Land at No. 71 The Spittal);
- 94/1044/P - Erection of one dwelling and alterations to access - Refused 14th December 1994 (Land at No. 71 The Spittal);
- 96/0101/P - Erection of one dwelling and alterations to access - Refused 13th March 1996, Dismissed at Appeal 3rd February 1997 (Land at No. 71 The Spittal);
- 09/00562/FUL - Erection of a detached dwelling (Outline application with details of access) - Refused 30th July 2009, Dismissed at Appeal 15th April 2010;
- 13/00019/FUL - Erection of 1 no. dwelling (partially sub-terrain) - Approved 27th March 2013.

2. Publicity

27 no. neighbours have been notified (Date of last notification 16 May 2016)

Site Notice displayed 19 January 2016

3. Consultations

Castle Donington Parish Council consulted 13 January 2016
LCC ecology consulted 1 April 2016
Leicester & Rutland Wildlife Trust consulted 1 April 2016
Head of Environmental Protection consulted 28 January 2016
LCC Flood Management consulted 23 May 2016
County Highway Authority consulted 13 January 2016
Severn Trent Water Limited consulted 13 January 2016
Natural England- Within 2k Of SSSI consulted 13 January 2016
NWLDC Tree Officer consulted 13 January 2016
County Archaeologist consulted 13 January 2016
Airport Safeguarding consulted 13 January 2016
NWLDC Conservation Officer consulted 13 January 2016
NWLDC Urban Designer consulted 13 January 2016
LCC Development Contributions consulted 13 January 2016
NHS Leicester, Leicestershire And Rutland Facilities Managme consulted 13 January 2016
Head Of Leisure And Culture consulted 13 January 2016
Police Architectural Liaison Officer consulted 13 January 2016
Head Of Street Management North West Leicestershire District consulted 13 January 2016
Leicester & Rutland Wildlife Trust consulted 9 June 2016

4. Summary of Representations Received

The following summary of representations has been provided. Members may inspect full copies of correspondence received on the planning file.

Castle Donington Parish Council object to the application on the following principal grounds: -

- (a) Ecology - area is rich in wildlife and forms part of a green corridor;
- (b) Public Safety - there is no pavement on The Spittal and the highway becomes extremely busy when public events are held and sporting activities undertaken at the recreation ground. Proposal access and egress will be detrimental to highway safety;
- (c) Setting - design and height of houses is inappropriate and will not blend into the hillside given the use of white render, setting is sensitive due to proximity to the conservation area and the earthworks required to support the development will be substantial with known subsidence problems in the area. There is a history of refused applications on this site;
- (d) Woodland Walk - the proposed new woodland walk crosses Parish Council land and no contact has been made in order to request permission;

East Midlands Airport Safeguarding no representation received.

Leicestershire and Rutland Badger Group object to the application due to the impacts on protected species.

Leicestershire and Rutland Wildlife Trust object to the application due to the impacts on protected species.

Leicestershire County Council - Archaeology has no objections and do not require any further archaeological investigations to be undertaken.

Leicestershire County Council - Developer Contributions in relation to infrastructure matters

seek commuted sums towards education of £76,540.20 for the Primary and Secondary School Sectors with no contributions sought for landscaping, biodiversity, civic amenity or libraries.

Leicestershire County Council - Ecology initially objected to the application due to the implications the development would have on protected species. Following revisions made to the plans the County Council Ecologist has no objections subject to the imposition of conditions on any consent granted.

Leicestershire County Council - Flood Management initially objected to the application on the basis of the greenfield run-off rates from the site as well as the drainage strategy proposed. Following the submission of further information this objection has been removed subject to the imposition of a condition on any consent granted.

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

Natural England has no comments to make on the application subject to their standing advice on protected species being taken into account.

NHS Leicester, Leicestershire and Rutland Facilities Management no representation received.

NWLDC - Conservation Officer has no observations to make on the proposals.

NWLDC - Environmental Protection has no objections.

NWLDC - Environmental Protection (Contaminated Land) has no objections subject to the imposition of contaminated land conditions on any consent granted due to the historic use of neighbouring sites.

NWLDC - Head of Leisure and Culture no representation received.

NWLDC - Head of Street Management outlines that consideration should be given to the provision of a bin collection area and an adequate turning area within the site for a refuge vehicle to manoeuvre in.

NWLDC - Tree Officer has no objections subject to the imposition of a condition on any consent granted.

NWLDC - Urban Designer supports the application as it scores well against Building for Life 12, although consideration needs to be given to the materials which would be utilised and landscaping of the site as well as the details of any retaining structures. Concerns are raised over the use of white render within this development.

Police Architectural Liaison Officer no representation received.

Severn Trent Water Limited has no objection subject to the imposition of a condition relating to details of foul and surface water drainage being agreed.

Third Party Representations

15 representations to the application have been received objecting to the development with the comments raised summarised as follows: -

- Proposed development is an over-extensive use of the site;
- Given the elevated nature of the site the development would be visually intrusive and detrimental to the rural and historic aspect of the area;
- There will be an increase in traffic and noise on The Spittal which would result in the loss of amenity;
- Trees, shrubs and wildlife would be destroyed due to the extensive earth movements required to facilitate the development;
- The aesthetics of the houses do not 'fit in' with the historical style which runs through Castle Donington;
- The colour scheme and use of white render would not respond positively to the character of the surrounding area with the render being discoloured by the relationship with trees and the shade cast;
- Increase in vehicular movements on The Spittal would be detrimental to highway safety;
- Development will result in loss of amenity to properties from overlooking and increased noise from use of the public paths;
- Street lighting will impact negatively on the visual amenities of the area;
- Development will result in the loss of a view;
- Development will impact adversely on protected species;
- Proposed vegetation in close proximity to boundaries of neighbouring properties will lead to more maintenance work being required;
- Development will result in land stability issues given the removal of vegetation;
- Proposal results in the loss of a greenfield area;
- Proposed pathways will impact on the roots of trees;
- Previous decisions on the site have rejected three-storey dwellings with only a subterranean dwelling being permitted;
- Development will impact on property values;

One representation has been received which does not object to the application but does request that the strip of land between the site and Campion Hill be tidied up and kept maintained as a wooded strip to lessen the impact of the development within the view. A fence line would also require repair and maintenance.

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 adopted Local Plan, as listed in the relevant section below, are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded weight in the determination of this application.

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

- Paragraph 14 (Presumption in favour of sustainable development);
- Paragraph 17 (Core planning principles);
- Paragraphs 18-20 (Building a strong, competitive economy);

Paragraph 32 (Promoting sustainable transport);
Paragraph 34 (Promoting sustainable transport);
Paragraph 39 (Promoting sustainable transport);
Paragraph 47 (Delivering a wide choice of high quality homes);
Paragraph 49 (Delivering a wide choice of high quality homes);
Paragraph 50 (Delivering a wide choice of high quality homes);
Paragraph 54 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 56 (Requiring good design);
Paragraph 57 (Requiring good design);
Paragraph 59 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 63 (Requiring good design);
Paragraph 64 (Requiring good design);
Paragraph 103 (Meeting the challenge of climate change, flooding and coastal change);
Paragraph 109 (Conserving and enhancing the natural environment);
Paragraph 112 (Conserving and enhancing the natural environment);
Paragraph 118 (Conserving and enhancing the natural environment);
Paragraph 121 (Conserving and enhancing the natural environment);
Paragraph 123 (Conserving and enhancing the natural 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);
Paragraph 206 (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 Local Plan.
The following Local Plan policies are relevant to this application:

Policy S1 sets out 13 criteria which form the overall strategy for the adopted Local Plan;
Policy S2 - Limits to Development;
Policy E1 - Sensitive Areas;
Policy E2 - Landscaped Amenity Open Space;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy E8 - Crime Prevention;
Policy E30 - Floodplains;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy T10 - Public Transport;
Policy T13 - Cycle Parking;
Policy T20 - East Midlands Airport: Airport Safeguarding;
Policy H4/1 - Housing Land Release;
Policy H6 - Housing Density;
Policy H7 - Housing Design; and
Policy L21 - Children's Play Areas

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, as the proposed publication version of the Local Plan is to be considered by Council on 28th June with a view to its submission for examination in September, more weight can now 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 Ec6 - East Midlands Airport: Safeguarding;
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; and
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 NPPG does not change national policy but offers practical guidance as to how such policy is to be applied.

North West Leicestershire District Council Play Area Design Guidance SPG

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

Leicestershire County Council Statement of Requirement for Developer Contributions in Leicestershire

The County Council's Statement of Requirement for Developer Contributions in Leicestershire sets out the circumstances in which developer contributions will be required in respect of County and District service areas, as well as other public services, and the level of contributions required.

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. It 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

Principle and Sustainability

The application site is situated within the defined Limits to Development where the principle of residential development is considered acceptable, although it is also recognised that the land in question is designated as a Sensitive Area and therefore assessed under Policy E1 of the adopted Local Plan.

With regards to the environmental sustainability credentials of the scheme, it is specified on the application forms that the land is currently garden land associated with no. 71 The Spittal. However following the site visit, as well as reviewing the previous planning applications associated with the site, the land in question would appear to be grazing paddock land/open space. The land in question, therefore, would be a greenfield site.

With regards to the Sensitive Area, Paragraph 4.7 of the adopted Local Plan states that:

"The need to protect open areas within or closely related to urban areas is widely recognised. There are many instances of important open areas within or adjoining settlements which contribute positively to the character of the settlement concerned, its streetscene or its setting or approaches. It is important that such areas are kept free from development in view of the contribution they make to local environmental quality."

As such sensitive areas of open land can include the following, as defined in Paragraph 4.8 of the adopted Local Plan:

- (a) Important open breaks in street frontages;
- (b) Important amenity or other open areas within settlements;
- (c) Important settings and approaches to settlements; and
- (d) Ends of sporadic or ribbon development.

In many respects this policy would be supported by the principles of Paragraphs 17 and 109 of the NPPF.

The Sensitive Area is one of three in the immediate area of The Spittal Recreation Ground, to the north, and a smaller area within the conservation area, to the east, also being classed under this designation. Given the location of these Sensitive Areas it is considered that their designation would be under criteria (b) (important amenity or other open areas within settlements) of Paragraph 4.8 of the adopted Local Plan. In respect of this particular Sensitive Area, it is bounded by residential development to the south and west with further residential

development on the northern side of The Spittal being present to the north-east. A scheme has been submitted which works with the difficult topography of the site whilst retaining the majority of the mature tree planting which is present. As such, the wider visual implications to the surrounding environment would not be particularly adverse given that the current roof slopes of dwellings on Campion Hill, to the immediate south, are visible on the main thoroughfare through the settlement. Therefore, the dwellings would integrate with existing buildings which are considered to be prominent. Whilst development on the site will result in the loss of a Sensitive Area, the containment of the development within a mature landscaped buffer mitigates the implications to the openness of the wider area, which in many respects would be maintained due to the presence of the recreation ground to the north, as a result the conflict with Policy E1 of the adopted Local Plan would not substantiate a reason to refuse the application.

It is also important to note that the designation of the site as a Sensitive Area will not be progressed in the Submission Local Plan and therefore the land would become acceptable for development in principle, given its setting within the Limits to Development.

To conclude on this point, it is considered that the application should not be refused in relation to Policy E1 of the adopted Local Plan, or the advice in Paragraphs 17 and 109 of the NPPF, given the status of the saved policy and the characteristics of the proposed development.

From a socially sustainable perspective, Castle Donington is considered to be a sustainable settlement for new residential development given its accessibility by public transport, other transport links and range of local services. The site itself is situated within an accessible walking distance of the settlement centre and as such, a residential development on the site for thirteen dwellings would score very well against the sustainability advice contained within the NPPF. A residential development of this nature would also help to sustain the services which are available within the settlement which is a key intention of Paragraphs 28 and 55 of the NPPF. It is also considered that there would be economic benefits associated with the construction of 13 dwellings.

Overall, whilst some conflict with the environmental strand of sustainability would arise, because of the location of the dwellings on a greenfield site, this conflict would not be substantial due to the land being within the defined Limits to Development and the fact that the dwellings would integrate well with existing built forms. It is also considered that such conflict with the environmental strand would be outweighed by the positive social and economic aspects of the proposal particularly given the sustainability of the site location. As such the principle of the development would be acceptable.

Density and Housing Mix

With a site area of 0.78 hectares the proposed development would have a density of 10.14 dwellings per hectare which would be significantly below the 40 dwellings per hectare advised by Policy H6 of the adopted Local Plan in locations well served by public transport and accessibility to services.

Whilst this density would fall below that advised in Policy H6, this policy also identifies 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 the Council's Tree Officer has outlined the importance of the trees on the site and that these should be retained as part of the development proposals, with the Council's Urban Designer also supporting the design and layout of the scheme which has been presented. The relief of the site limits the achievable density. The retention of the trees on the site reduces the availability of large areas of the site (which would

be included in the overall site area identified) and also assists in reducing the visibility of the proposed development which is considered important. In this context a scheme for 13 dwellings would be the most viable option for the site and although the low density would result in conflict with Policy H6, this in itself would not be considered a suitable reason to warrant a refusal of the application. Given the conflict with Policy H6, it is considered that the representations received highlighting that the development is an over intensive form of development could not be supported.

It is proposed that a mix of 3, 4 and 5 bed dwellings would be provided within properties which would either be two or three storeys. This is considered to represent an appropriate housing mix on the site for a development of this scale. As such the proposals would accord with Paragraph 50 of the NPPF.

Viability of the Development

A request has been made for Section 106 Contributions towards education. This has been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations) as well as Paragraphs 203 and 204 of the NPPF which outline that planning obligations should be: -

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

Education

Leicestershire County Council (Education) request a primary school contribution of £37,748.91 for St Edward's Church of England Primary School, as well as a secondary school contribution of £38,791.29 for Castle Donington Community College. No requests have been made for the post 16 sector or special school sectors. The reasoning for the request outlines that no more than five obligations (including this proposed) have been sought for the scheme project and as such no issues arise in respect of pooling (insofar as the limitations on pooled contributions as set out within the CIL Regulations are concerned).

A total contribution of £76,540.20 is therefore sought for education.

It has been identified by the planning agent that there are viability constraints associated with the development. This is due to there being significant financial costs involved in providing a high quality development and the need for significant retaining/structural work, and as such these abnormal costs would not result in the development providing a competitive return to any landowner or developer. A viability assessment has been submitted to demonstrate this and this assessment has been independently reviewed by the District Valuer (DV). The DV initially queried that further information would need to be supplied to demonstrate the abnormal costs involved in the project and further information has subsequently been received from the planning agent.

Paragraph 173 of the NPPF outlines that careful attention to viability and costs in plan-making and decision-taking should be undertaken with it being necessary for plans to be deliverable. As a result of this the NPPF outlines that development "*should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened,*" and that to ensure viability contributions should take account of normal costs for development and "*provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.*"

The viability assessment submitted in support of the application has been independently assessed by the DV who has concluded that the scheme could be policy compliant. This is based on an all private housing development with a profit of 17.5% and section 106 contribution of £76,540.20 which would provide a land value of £774,647.00. This would equate to £401,371.00 per acre on a gross basis and would be viable against a benchmark of £500,000. The DV has also advised that additional contributions up to £106,432.80 would also be viable.

Following the findings of the DV's report it was requested by the applicant whether the education authority would agree to a staged payment of 50% on commencement and 50% on the completion of the 7th dwelling. Following reconsultation with the education authority it has been confirmed that such an approach would be acceptable. Whilst the findings of the DV's report are still being reviewed by the agent for the application, they have stipulated that the applicant is willing to enter into a Section 106 Agreement to provide the education contribution.

As it stands, therefore, the development would be considered compliant with Paragraph 173 of the NPPF.

Play Area/Open Space

No representation has been received from the Council's Leisure Section in respect of whether any on-site play provision should be made or whether an off-site contribution would be sufficient in this instance. The layout plan shows that no on-site play equipment would be provided but a small area to the south and south-west of the dwellings would be provided for open space and a 'community garden.' It is considered that the lack of 'on-site' provision, or contribution to improve facilities in the area would conflict with the aims of Paragraph 73 of the NPPF and Policy L21 of the adopted Local Plan. Whilst this is the case, it is noted that the draft Local Plan specifies that on-site play provision, or any off-site contribution, would only be applicable on development schemes of 50 dwellings or more. Therefore, a reason to refuse the application on this basis could not be sustained, particularly as no request has been made by the Council's Leisure Section, and in any event any future occupants of the dwellings would be well served by the recreation facilities available at The Spittal Recreation Ground which lies immediately to the north of the application site.

Residential Amenity

It is considered that the residential properties most immediately affected by the proposed development would be Spittal Hill Farm, The Spittal, nos. 10, 12 and 15 Walton Hill, no. 71 The Spittal and nos. 12, 12A and 17 to 45 (odd numbers inclusive) Campion Hill.

The site sections submitted in support of the application identify that the ridge heights of the proposed dwellings, on the highest part of the site, would be roughly level with the cill heights of those properties on the southern side of Campion Hill with plot 1 being set in excess of 50.0 metres from no. 12 Campion Hill and plot 13 being set over 55.0 metres from no. 12A Campion Hill. Given the orientation of dwellings on Campion Hill and the application site to its south, as well as the proximity of the new dwellings to those on Campion Hill, it is considered that no adverse overlooking, overshadowing or overbearing impacts would occur to the amenities of residents on Campion Hill.

With regards to properties on Walton Hill, it is proposed that plot 1 would be set 8.0 and 11.0 metres, respectively, from the shared boundaries with nos. 10 and 12 Walton Hill. These properties are both orientated so that their eastern (rear) elevations face towards the application site. The shared boundaries are currently defined by fencing and vegetation (which is largely

overgrown) and it was observed during the site visit that properties on Walton Hill respond to the topography of the land by stepping up in height in a southern direction. The site sections supplied identify that land levels rise from west to east and as such plot 1 would be situated on higher ground than nos. 10 and 12 Walton Hill. Whilst this is the case, the site sections show that the ridge height of plot 1 would be lower than that of no. 15 Walton Hill to the immediate south of no. 12 Walton Hill. In this circumstance it is considered that the relationship between plot 1 and nos. 10 and 12 would not result in any adverse overbearing or overshadowing impacts to the occupants amenities particularly, as the distance between elevations would be 21.5 and 31.0 metres respectively, and that plot 1 would not dominate the shared boundary with these properties. In terms of overlooking impacts, plot 1 would contain two windows and two roof lights above ground floor level in its western (side) elevation which would serve an en-suite, secondary windows to two bedrooms and a landing. It is considered that the roof lights would be at a sufficient height above the internal floor level so as to prevent any overlooking implications, with the proposed windows being obscure glazed and with a restricted opening. Subject to a condition being imposed to ensure that the windows accord with this restriction, no adverse overlooking impacts would arise. Plot 1 would also be situated 25.0 metres from no. 15 Walton Hill and given that no. 15 is situated on higher ground, no adverse impacts to the occupant's amenities would arise.

Plot 2 would be set in excess of 30.0 metres from the boundary and 65.0 metres from the elevation of Spittal Hill Farm. The site section supplied identifies that an acceptable relationship would be established between plot 2 and Spittal Hill Farm so as to avoid any adverse overbearing, overshadowing or overlooking impacts on the occupants amenities.

A distance of 27.0 metres would exist between plot 13 and no. 71 The Spittal, which is set to the north-east of this plot. Whilst the land levels increase away from no. 71, it is considered that plot 13 has been positioned so that it is not directly behind this property and as such, the distances involved would be sufficient in ensuring that no adverse overbearing or overshadowing impacts would arise. Whilst windows are proposed in the eastern (side) elevation of this plot, no adverse overlooking impacts would arise given that a distance of around 15.5 metres would exist to the boundary. Direct views from windows on the northern (front) elevation of plot 13 would also be at an oblique angle towards the rear amenity area of no. 71 and therefore would not be significantly adverse.

In terms of future amenities, it is considered that the relationship the proposed plots would have with existing residential dwellings neighbouring the sites would be acceptable given the general separation distances, with the distances between the plots also being acceptable given the change in land levels across the site. It is proposed that the plots are to be provided with balconies/terraces above ground floor level and, in the main, these would be positioned to the frontage of the plots. Therefore, no adverse overlooking impacts would arise given that views could be established from the public domain onto these areas. The provision of boundary treatments to the rear of the dwellings by way of a condition would also prevent views from those balconies/terraces to the rear of the plots.

Whilst on a site with difficult topography, the site sections demonstrate that a usable private amenity space would be provided for each plot given that access onto the rear gardens would be provided at first floor level rather than ground floor level. Trees of a mature stature exist within the application site, although those to be retained are concentrated close to the boundaries of the site. Whilst it is inevitable that shadows would be cast by the trees to the eastern and southern boundaries towards the gardens of plots 4 and 8 to 13, the Council's Tree Officer is satisfied that the 13 dwellings could be accommodated on the site so that they would not be subject to excessive shading. On this basis it is considered that the extent of shadowing

would not be sufficiently detrimental as to warrant a refusal of the application and overall, future amenities would be adequately protected with any future occupant being aware of the relationships prior to their purchase.

Objections have been raised on the basis that the provision of the pedestrian link between The Spittal and Campion Hill will result in disturbance and loss of privacy to the amenities of properties on Walton Hill given its proposed route. It is considered that the frequency of use of the pedestrian link and presence of boundary treatments, as well as landscaping, to the rear of the dwellings on Walton Hill would ensure that there would be no loss or privacy or excessive noise disturbance particularly as the relationship would be no different to a dwelling on a housing estate whereby an alleyway passes either between elevations or behind properties. It is also observed that the Council's Environmental Protection team have raised no objection to the application on this basis. Should there be any anti-social issues associated with the use of the pedestrian link and open space area in the future this would be a matter for the Police. If excessive noise was experienced then this could be investigated separately under Environmental Health Legislation.

It is also considered that the level of traffic associated with the dwellings which would travel along The Spittal would not be of such significance to be considered detrimental to amenities, particularly as the relationship would not be too dissimilar to having a development on a corner site with a road running close to the dwelling and its associated garden, which was considered in a 2008 appeal to be an acceptable yardstick to an acceptable standard (Appeal Ref: APP/G2435/A/08/2065885/WF).

A condition could also be imposed on any consent granted for the lighting scheme on the development to be agreed. Due consideration can therefore be given to the design and illumination levels of such lighting, and in agreeing such a scheme due consideration could also be given to the relationship with the neighbouring properties. This however, would only be applicable to lighting on the development site given that the Highways Authority benefit from permitted development rights, under Part 12 of the Town and Country Planning (General Permitted Development) (England) Order 2015, to install street lighting on The Spittal (or other adopted highways) without planning permission.

Objections raised in respect of the loss of a view and impacts on a property's value are not material planning considerations which could be taken into account in an assessment of the application.

In conclusion it is considered that the development would accord with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

Impact on the Historic Environment, Streetscape and Wider Area

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, 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."*

Concerns have been raised in respect of the development integrating into the local environment. These concerns are based on the design of the houses not 'fitting in' with the historical style which runs through Castle Donington, that the prevalent use of white render would not respond

positively to the character of the surrounding area and that such a colour would become discoloured due to the relationship the plots would have with retained trees. Consideration has also been given to the previous appeal decision of 2010 on part of the site which proposed a three storey dwelling and was dismissed at appeal.

Given the application constitutes a 'major' development proposal it has been assessed by the Council's Urban Designer who has concluded that the scheme would perform very well against Building for Life 12 with 12 green indicators being merited. In respect of the 'Connections', 'Character' and 'Working with the site and its context' questions, the Council's Urban Designer has stated, amongst other things, the following: -

"1 Connections

The site is a small site located on the edge of the current built up area of Castle Donington. The site would be accessed off The Spittal and include a footpath across the site that would not only contribute towards providing good pedestrian connections for residents of the proposed development but for existing residents in and around Campion Hill wishing to get to the park.

The site is steeply sloping and the cross sections provided demonstrate that the buildings will be set at or below the ridge lines of properties on Campion Hill.

5 Character

The Design and Access Statement demonstrates a well considered response to both the site and the positive characteristics of the settlement that afford it a distinctive identity.

The development proposals respond well to the topography and through the use of both retained and new landscaping will create a development that is afforded a distinctive character through both landscape and architectural character.

6 Working with the site and its context

The illustration on p.29 of the Design and Access Statement explains how the topography will be responded to working around the existing tree network, with built form allowing views through to the woodland belt through the orientation of dwellings (i.e. narrow rather than wide fronted).

The Landscape Proposals (ref Section 4.7) demonstrate how green and blue infrastructure will be used to integrate the development into its setting, with the provision of swales a welcome feature."

The only concerns raised by the Urban Designer include the use of white render, given that there is a significant risk that the render will become discoloured and stained, and that natural roofing materials (such as clay or slate) should be utilised rather than the proposed fibre cement tiles. It is considered that such concerns could be addressed by the imposition of a condition on any consent granted for the precise materials to be agreed.

It has also been advised by the Council's Urban Designer that high quality fencing panels should be utilised as boundary treatments (rather than ship lap style fencing) and that hard and soft landscaping, as well as bin storage and bin collection areas, should be subject to detailed approval via a planning condition.

Whilst the provision of a 'three-storey' dwelling has previously been dismissed on part of the site, as well as refusal of applications for dwellings on other parts of the site, it is considered that the conclusions of the Inspector in the appeal decisions were as a result of the conflict with Policy E1 of the adopted Local Plan which, as highlighted in the 'Principle and Sustainability'

section of this report, could no longer substantiate a reason to refuse the application. In any event the submitted scheme is considered to be different to that previously assessed as whilst more dwellings would be provided, great care has been taken to ensure that the built forms would integrate successfully with important soft landscaping on the site, as well as responding better to the topography of the land. Given the vegetation which would be retained, the proposed dwellings would also be screened from view. Furthermore, should roof slopes be visible they would be seen in the context of a relationship with the roof slopes and elevations of existing properties on both Walton Hill and Campion Hill. As such, it is difficult to conclude that the proposed development would be visually harmful to the character and appearance of the wider area and streetscape given the visual integration with existing built forms.

With regards to the modern design approach offered by the scheme it is noted that Paragraph 60 of the NPPF highlights that *"planning policies and decisions should not attempt to 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,"* with Paragraph 63 emphasising that *"great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area."* In the context of these Paragraphs it is considered that the design approach, being modernistic, would be acceptable and in many respects would raise the standard of design in the locality. Great weight has therefore been given to the context of Paragraph 63. Overall the proposed design and layout would not result in detriment to the character and appearance of the wider area or the streetscape on which it would be set.

In respect of the impacts to neighbouring heritage assets, with the boundaries of the Castle Donington Conservation Area being set to the east of the site, the Council's Conservation Officer has been consulted and has concluded that there would be no harm to the setting of heritage assets. This view is taken given that the substantial landscape buffer which defines the western boundary of the Conservation Area would not be breached by the development and would act as a screen in respect of views into and out of this area from the public domain. In the circumstances that there is 'no harm', an assessment against Paragraph 134 of the NPPF would not be required.

Overall the layout, appearance and scale of the dwellings would be acceptable and would ensure compliance with Paragraphs 57, 60, 61, 63, 131, 132, 134 and 137 of the NPPF, Policies E4 and H7 of the adopted Local Plan and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highway Safety

As part of the application a highways report has been provided which indicates that a new vehicular access with appropriate levels of visibility, in order to accord with the 6Cs Design Guide, would be provided onto The Spittal. The provision of an access to this standard will ensure that vehicles exiting the site can do so in a slow and controlled manner in order to avoid conflict with vehicles and pedestrians utilising The Spittal. Visibility to the west of the access would also be more critical than that the east given the termination of the highway at the recreation ground which prevents direct vehicular access to Bondgate. Suitable manoeuvring facilities, to allow vehicles to exit in a forward direction, along with off-street parking provision would also be accommodated within the site.

Objections have been raised in respect of the narrow nature of The Spittal, the safety of pedestrians who have to walk within the highway and issues associated with the parking of vehicles on this highway by people who utilise the recreational facilities at the neighbouring site.

Whilst such objections have been received, the County Highways Authority have reviewed the highways report and have raised no objections subject to the imposition of conditions on any consent granted. Such conditions include the provision of the visibility splays detailed within the report, surfacing of the access road, off-street parking provision and highway drainage. In terms of the comments received relating to the width of The Spittal, a condition is proposed by the County Highways Authority for the applicant to widen this carriageway to 4.85 metres so that it matches the effective width of the highway from the junction of The Spittal with Back Lane to the point where the highway width would be extended to, and this would enable vehicles to pass each other safely within the highway. The County Highways Authority are also of the view that the parking of vehicles on The Spittal would not disrupt the free and safe passage of vehicles given the increase in the width of the highway, and that the high levels of on-street parking would only be anticipated outside the times when peak traffic flows at the site would be expected. In any event, should such an issue have been considered severe the County Highways Authority would be in a position to place restrictions within the carriageway (i.e. double yellow lines). The provision of a proposed walkway through the development from Campion Hill to The Spittal would also improve pedestrian connectivity from the residential estate to the south to the recreation ground, which may reduce the on-street parking demands given that a convenient access would be supplied. It is, however, noted that for this to be provided an agreement would be required with Castle Donington Parish Council who own the section of land adjacent to the southern boundary of the site.

In terms of the safety of pedestrians, it is noted that occupants who reside to the east of the barrier on The Spittal have to walk on the highway in order to reach Bondgate. Given that the level of vehicular activity on the eastern part of The Spittal, as a whole, would not be too dissimilar to that which would become established on the western part, the implications to pedestrian safety would not be severely adverse particularly as the County Highways Authority have not raised this as an issue.

Overall Paragraph 32 of the NPPF identifies that applications should only be refused on highway safety grounds where the cumulative impacts are severe. As no objections are raised by the County Highways Authority, subject to conditions, it is considered that the development would be compliant with the aims of this Paragraph as well as Policy T3 of the adopted Local Plan.

The submitted plans highlight that a sufficient level of off-street parking would be provided in connection with each dwelling and that the associated garages would have adequate internal dimensions to enable them to be utilised for parking purposes. Three visitor parking spaces would also be accommodated within the site which would be of benefit to the scheme. Subject to the submitted parking details being conditioned on any consent granted, it is considered that the development would accord with Paragraph 39 of the NPPF and Policy T8 of the adopted Local Plan.

Ecology

The County Council Ecologist, as well as the Leicestershire and Rutland Wildlife Trust and Leicestershire and Rutland Badger Group, initially objected to the application due to the implications the development would have on protected species. It was feared that they would become trapped within the development and would not be able to access suitable foraging grounds.

Following continued discussions between the applicant and the County Council Ecologist the

overall objection to the application has been removed. This is further to amendments which have been made to the proposal to accommodate an adequate escape route for the protected species so that they can access adequate foraging grounds, thereby ensuring they would not be trapped by the dwellings which would be created. The removal of the objection, however, is subject to the imposition of conditions on any consent granted to ensure that the escape route is provided and thereafter retained, and that the dense scrub is retained along the route.

It is proposed that the escape route would follow that of the pedestrian connectivity link through the development. Concerns were therefore expressed by the County Council Ecologist in respect of the potential lighting of this route given that it would be shared with pedestrians. Following further discussions it has been determined that the use of low level bollard lighting which is hooded and directed in a particular manner would be acceptable, as this would not direct light towards the dense scrub utilised as the escape route. This would therefore ensure that it could still be used by protected species. The installation of such lighting would also ensure that the pedestrian link could be utilised in the hours of darkness, although use at these times is likely to be infrequent given the times sporting activities are undertaken on the recreation ground.

In the circumstances that the objection to the development has been removed, it is considered that the development would be compliant with Paragraph 118 of the NPPF and Circular 06/05.

Landscaping

As submitted, the layout allows for the retention of the important trees and groups including those in the northern part of the site bordering The Spittal (G8 - G10 in the submitted arboricultural report) which include Oak, Hawthorn, mature Ash and mature Cypress, all of which will be important in obscuring views into and out of the site and which have been given adequate space to grow into so they are retained as a screening barrier. The Council's Tree Officer is of the view that these trees, and the relevant groups, merit protection via a TPO.

No objections are raised to the site clearance of Hawthorn and Elder scrub (identified as G4, G5 and G11 on the submitted arboricultural report) as well as other scrub areas within the western areas of the site which are categorized as retention Category C (low value). Given the retention category of these trees they should not act as a constraint on the development given that they are not worthy of protection via a Tree Preservation Order (TPO).

It is considered that in approving a landscaping scheme for the development it could be ensured that the important trees are retained and that mitigation planting is provided for those which would be lost, which would provide an opportunity to provide more suitable species of planting given the importance vegetation will have in screening the development site. The Council's Tree Officer has also advised that a condition should be imposed for a site specific tree protection plan to be agreed which should provide protective weldmesh and scaffold barriers specified, installed in accordance with BS5837:2012 (S6.2 - Fig 2), and positioned 1.0 metre outside the crown spreads of woodland groups. A condition requiring this information would be imposed on any planning consent granted.

As identified in the Residential Amenity section of this report it is noted that it is inevitable that some of the proposed dwellings (namely plots 4 and 8 to 13) would have their associated garden in the shade when the sun is positioned to the east and south due to the relationship with retained trees. However BS5837 (2012) Trees in relation to design, demolition and construction outlines that *"NOTE The presence of large species trees is increasingly being seen as advantageous, since it contributes to climate change resilience, amongst other benefits;"* and

"NOTE 1 Shading can be desirable to reduce glare or excessive solar heating, or to provide for comfort during hot weather. The combination of shading, wind speed/turbulence reduction and evapo-transpiration effects of trees can be utilised in conjunction with the design of buildings and spaces to provide local microclimate benefits." Whilst such shading impacts would occur the Council's Tree Officer considers that the scheme for 13 dwellings could be progressed on the site which would provide adequate amenity space and which would not be unduly impacted on by the relationship with retained trees, this would therefore ensure that were not placed under unnecessary pressure to be removed.

In conclusion it is considered that subject to the imposition of relevant conditions, the proposed development would accord with the aims of Policy E7 of the adopted Local Plan.

Archaeology

The County Council Archaeologist has specified that no archaeological mitigation is necessary as part of the proposal and, as such, archaeology would not act as a constraint on the development. On this basis the scheme is compliant with Paragraph 141 of the NPPF.

Drainage and Flood Risk

The Lead Local Flood Authority (LLFA) initially objected to the application given that the information submitted did not demonstrate that the development could match greenfield run-off rates, as well insufficient information being provided on the management of the surface water drainage scheme.

Following further discussions on this matter, as well as additional information being supplied, the LLFA have confirmed that the drainage strategy proposed, including the use of swales within a sustainable urban drainage scheme (SuDS), would be acceptable and will ensure that there is betterment in surface water drainage from the site. In the circumstances that a condition is imposed on any consent granted to secure such a scheme, the proposal would be considered compliant with Paragraph 103 of the NPPF and would not exacerbate any localised surface water flooding issue.

Insofar as foul drainage is concerned, it is indicated on the application forms that this would be discharged to the mains sewer with such discharge being agreed with Severn Trent Water who have requested the imposition of a condition for the precise details of the foul drainage connection to be agreed. Given that no objection has been raised by Severn Trent Water it is considered that the additional demands for foul drainage could be met by the existing sewerage system in place and therefore, the proposed development would accord with Paragraph 120 of the NPPF.

Other Matters

The Council's Environmental Protection team have raised no objections to the development subject to the imposition of a land contamination condition to ensure that the land is fit for purpose and can be developed as the plans envisage. Whilst concerns have been raised over land stability, and that the development would increase the probability of subsidence given the excavation works required, no evidence has been supplied to substantiate such a claim and the planning agent has supplied information from a structural engineer which highlights that: -

"The retaining walls at The Spittal will be designed to modern codes of practice, and constructed in reinforced concrete (a highly engineered material), or gabion baskets (manufactured in

accordance with modern regulations). Design will be completed under the supervision of an experienced and qualified Structural Engineer, taking into consideration the effects of heavy rain, high water tables, trees and other potential issues. Appropriate factors of safety will be built into the design, and all calculations submitted for Building Regulations approval."

Given the approval of such details under building regulations it is considered that the proposed development would comply with the aims of Paragraphs 120 and 121 of the NPPF.

No representation to the development has been received from East Midlands Airport Safeguarding and as such it is considered to be compliant with Policy E20 of the adopted Local Plan.

Summary Reasons for Granting Planning Permission

Although the application site is a greenfield site and part of a Sensitive Area it is considered that the conflict with the environmental strand of sustainability, as well as Policy E1 of the adopted Local Plan, would be outweighed by the positive social and economic sustainability credentials of the site. This is on the basis that the development could be integrated on the site whilst also maintaining important landscape features which would screen the development, and that it would not be isolated from built forms given the relationship with residential development to the west and south. Consideration also needs to be given to the fact that the designation of the land as a Sensitive Area will not be progressed in the Submission Local Plan. Overall the development would be compliant with the key principles of the NPPF, specifically Paragraphs 28 and 55.

Whilst having a density of development which would be lower than the threshold normally expected in the settlement, given the constraints and importance in maintaining landscaping on the site it is considered that the proposed density is an efficient use of the land in this instance. In addition, the conflict with Policy H6 of the adopted Local Plan would not substantiate a refusal of the application. An appropriate housing mix would be provided in accordance with Paragraph 50 of the NPPF.

It has been confirmed that the education contribution sought will be paid, given that the District Valuer has confirmed such a payment would not compromise the viability of the development, and therefore the development is considered compliant with Paragraphs 173, 203 and 204 of the NPPF.

The submitted plans, as well as section drawings, have identified that the residential development could be provided without adversely affecting the amenities of existing occupants and that it would also protect future amenities in respect of overbearing, overshadowing, overlooking or noise impacts. As such, the development is considered compliant with Paragraph 123 of the NPPF and Policy E3 of the adopted Local Plan.

As submitted the scheme has been assessed against Building for Life 12 by the Council's Urban Designer and has been merited with 12 green indicators. It is considered, therefore, that the design and layout of the development would be a positive addition to the settlement and would raise the design standard in the immediate area. This is on the basis that the landscape and architectural led qualities of the scheme in comparison to the modern standardised house types to the south and west which would be viewed in the same context. It is also considered that no harm would be caused to the setting of heritage assets to the east of the site. On this basis the development would accord with Paragraphs 57, 60, 61, 63, 131, 132, 134 and 137 of the NPPF, Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and

Policies E4 and H7 of the adopted Local Plan.

In respect of highway and pedestrian safety, the County Council Highways Authority have raised no objections subject to the imposition of conditions on any consent granted with one such condition proposing the widening of The Spittal. On this basis it is considered that the additional vehicular movements associated with the development would not compromise the free and safe passage of vehicles in the highway with the level of pedestrian movements being no different to those experienced on the eastern part of The Spittal where no pedestrian footway exists. Within the site a sufficient level of off-street parking would be supplied as well as adequate manoeuvring facilities. In conclusion the development would not be severely detrimental to highway safety and would accord with Paragraphs 32 and 39 of the NPPF and Policies T3 and T8 of the adopted Local Plan.

Subject to the imposition of conditions on any consent granted for the dense scrub and escape route for protected species to be provided and thereafter retained and low level bollard lighting being installed, it is considered that the implications of the development on protected species would be adequately mitigated and would ensure compliance with Paragraph 118 of the NPPF and Circular 06/05.

The Council's Tree Officer has concluded that the proposed layout will be acceptable and will ensure that important trees on the site would be retained. It would, however, be necessary to impose conditions requesting a soft landscaping scheme and a site specific tree protection plan. Subject to such conditions being imposed on any consent granted the development would accord with Policies E2 and E7 of the adopted Local Plan.

A condition would also be imposed to secure flood risk mitigation measures, with surface water drainage also being appropriately controlled via a planning condition, and on this basis the development accords with Paragraph 103 of the NPPF. In terms of foul drainage, this would be directed to the mains sewer with any connection being agreed with Severn Trent Water who have advised that a condition be imposed on any consent granted. On this basis the proposal accords with Paragraph 120 of the NPPF.

No objection, or requirement for mitigation, has been suggested by the County Council Archaeologist and as such the development is compliant with Paragraph 141 of the NPPF. The imposition of conditions will also address land contamination concerns, in accordance with Paragraphs 120 and 121 of the NPPF. No representation has been received from East Midlands Airport Safeguarding and therefore the development is considered compliant with Policy T20 of the adopted Local Plan.

It is therefore recommended that the application be permitted subject to the completion of a Section 106 Agreement to secure the education contribution.

RECOMMENDATION - PERMIT, subject to the following conditions and the completion of a Section 106 Agreement;

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason - to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The proposed development shall be carried out strictly in accordance with the following drawing numbers: -

- 6976_001 Revision A (Site Location Plan) received by the Local Authority on the 7th January 2016;
- 6976_002 Revision A (Site Plan Existing) received by the Local Authority on the 7th January 2016;
- 6976_003 Revision A (Site Existing Topographic Plan) received by the Local Authority on the 7th January 2016;
- 6976_010 Revision A (Site Plan Proposed) received by the Local Authority on the 7th January 2016;
- 6976_012 Revision A (Site Ground Floor Plan) received by the Local Authority on the 7th January 2016;
- 6976_013 Revision A (Site First Floor Plan) received by the Local Authority on the 7th January 2016;
- 6976_014 Revision A (Site Second Floor Plan) received by the Local Authority on the 7th January 2016;
- 6976_015 Revision B (Site Roof Plan) received by the Local Authority on the 23rd June 2016;
- 6976_020 Revision A (Proposed Site Elevations) received by the Local Authority on the 7th January 2016;
- 6976_021 Revision A (Proposed Site Sections 1) received by the Local Authority on the 7th January 2016;
- 6976_022 Revision A (Proposed Site Sections 2) received by the Local Authority on the 7th January 2016;
- 6976_131 Revision A (House Type 3.1) received by the Local Authority on the 7th January 2016;
- 6976_141 Revision A (House Type 4.1) received by the Local Authority on the 7th January 2016;
- 6976_142 Revision A (House Type 4.2) received by the Local Authority on the 7th January 2016;
- 6976_151 Revision A (House Type 5.1) received by the Local Authority on the 7th January 2016;
- 6976_132 (House Type 3.1 (Handed)) received by the Local Authority on the 7th January 2016;
- 6976_143 (House Type 4.1 (Handed)) received by the Local Authority on the 7th June 2016;
- 6976_152 (House Type 5.1 (Handed)) received by the Local Authority on the 7th June 2016;

unless otherwise required by another condition of this permission.

Reason - to determine the scope of the permission.

3 Notwithstanding the details shown on the approved plans, nor Condition 2 above, no dwelling shall be built above damp proof course level until the following have been submitted to and agreed in writing by the Local Planning Authority: -

- Precise details of the external materials to be used in the development (including the details of construction materials for doors and windows);
- Precise details, including manufacturer details, of the paint finish to all external joinery;
- Position of the meter boxes and their external finish;
- Precise details of the rainwater goods;

The development shall then be carried out in accordance with the approved details unless alternative materials are first submitted to and agreed in writing by the Local Planning Authority.

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 provisions of Part 1 (Classes A - E) of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) the dwellings, hereby permitted, shall not be enlarged, improved or altered nor shall any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse be erected within the curtilage 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 maintaining the overall appearance of the scheme and in the interests of preserving the amenities of neighbouring properties and the visual amenities of the wider area given the topography of the site.

- 5 The windows serving the en-suite at first floor level and third bedroom at second floor level in the western (side) elevations of plots 1, 5, 9 and 12; en-suite at first floor level and third bedroom at second floor level in the eastern (side) elevations of plots 3 and 8; en-suite at second floor level in the eastern (side) elevation of plot 10 and en-suite at second floor level in the western (side) elevation of plot 11 shall be shall be glazed with obscure glass, to Pilkington Standard 3 (or its equivalent), and non-opening, unless the opening part is more than 1.7 metres above the internal floor level of the room in which the window is installed, which once provided shall thereafter be so retained.

Reason - in the interests of preserving the amenities of existing and future occupants.

- 6 No development shall commence on site until such time as a site specific tree protection plan (which shall provide for protective weldmesh and scaffold barriers to be installed in accordance with BS5837:2012 (S6.2 Fig 2) at least 1.0 metre outside the crown spread of woodland groups) has first been submitted to and agreed in writing with the Local Planning Authority. The scheme shall then be carried out in accordance with the approved details. Within the fenced off areas there shall be no alteration to the ground levels, no compaction of the soil, no stacking or storing of any materials and any service trenches shall be dug and back-filled by hand.

Reason - to ensure that existing trees are adequately protected during construction in the interests of the visual amenities of the area.

- 7 Notwithstanding the details shown on the approved plans, nor Condition. 2 above, before first occupation of any of the dwellings, hereby permitted, a scheme of soft and hard landscaping (which shall include information on the retained trees and any work to these trees) shall be submitted to and agreed in writing by the Local Planning Authority. The approval landscaping scheme shall be implemented in the first planting and seeding season following the first occupation of any dwellings with the hard landscaping scheme being provided in full prior to the first occupation of any dwelling. The above applies unless alternatives landscaping details, or implementation programme, are first submitted to and agreed in writing by the Local Planning Authority.

Reason - to ensure a satisfactory landscaping scheme is provided within a reasonable period, in the interests of visual amenity given the location of the dwellings and to protect the amenity of trees and maintained wildlife habitat.

- 8 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.

- 9 Notwithstanding the details shown on the approved plans, nor Condition 2 above, no development shall commence until the finished floor levels of the proposed dwellings and finished ground levels, which shall be related to a fixed datum point off the site, have first been submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be carried out in accordance with the approved details and shall thereafter be so retained.

Reason - to determine the scope of the permission given that no precise details have been supplied, in the interests of residential and visual amenity and to ensure the development takes the form envisaged by the Local Authority.

- 10 Notwithstanding the details shown on the approved plans, nor Condition 2 above, before first occupation of any of the dwellings, hereby permitted, a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railing, other means of enclosure and retaining walls) as well as the relevant elevation details of the retaining walls shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be provided in full prior to the first occupation of any dwelling hereby approved unless an alternative timescale is first agreed in writing by the Local Planning Authority.

Notwithstanding the provisions of Class A, of Part 2, Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gate, wall or fence shall be erected on land forward of any wall of the dwelling(s) which front onto a highway (which shall include any private highway) other than any that are agreed under this Condition or other then in accordance with a comprehensive and unified scheme of enclosure which has first been submitted to and agreed in writing by the Local Planning Authority.

Reason - to preserve the amenities of the locality and residents, in the interests of highway safety and to ensure the development takes the form envisaged by the Local Authority.

- 11 Notwithstanding the details shown on the approved plans, nor Condition 2 above, no dwelling shall be built above damp proof course level until the precise details of the enclosed bin/cycle stores to the plots (which will provide for 2.11 square metres of dedicated space for waste/recycling storage) as well a bin collection area (which may be enclosed but will require 1.25 square metres of space per plot) have first been submitted to and agreed in writing by the Local Planning Authority. Once agreed the enclosed bin/cycle stores and bin collection point(s) shall be provided in accordance with the approved details prior to the first occupation of any of the dwellings and shall thereafter

be so retained.

Reason - to ensure that the development takes the form envisaged by the Local Planning Authority and in the interests of residential and visual amenity.

- 12 No development shall commence on site until the following have first been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Highways Authority: -
- Details of design for off-site highway works being the widening of The Spittal to a width of not less than 4.5 metres for a distance of 80.0 metres to the west of the site access;
 - A construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision.
- Once agreed the development shall then be carried out in accordance with the approved details and timetable with the off-site highway works on The Spittal being provided before the occupation of the 5th dwelling.

Reasons - the proposal will lead to an increase in traffic on The Spittal and an increase in conflict between vehicles and pedestrians. The improvements are therefore required in the interest of highway safety; to reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area.

- 13 Prior to the first occupation of any of the dwellings, hereby permitted, the following shall be provided: -
- Visibility splays in accordance with the details shown on drawing number F15007/01 Revision A within the Bancroft Consulting Limited Highway Impact Statement of July 2015 (Revised December 2015), received by the Local Authority on the 7th January 2016, at the junction of the access with The Spittal. These shall be in accordance with the standards contained in the current County Council design guide;
 - Any shared private drive serving more than 5 but no more than 25 dwellings shall be a minimum of 4.8 metres wide for at least the first 5.0 metres behind the highway boundary and have a drop crossing of a minimum size as shown in Figure DG20 of the 6Cs Design Guide at its junction with the adopted road carriageway.
NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides;
 - Car parking shall be provided, hard surfaced and made available for use to serve the dwellings on the basis of 2 spaces for a dwelling with up to three bedrooms and 3 spaces for a dwelling with four or more bedrooms;
 - 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;
 - The access drive and any turning space shall be surfaced with tarmac, concrete or similar hard bound material (not loose aggregate) for a distance of at least 10.0 metres behind the highway boundary;
 - Drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives;
- Once provided the above shall thereafter be so maintained with nothing being positioned or allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reasons - 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; to ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway; to ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area; to enable vehicles to enter and leave in a forward direction in the interests of the safety of road users; 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 highway users.

- 14 The gradient of the access drive(s) shall not exceed 1:12 for the first 10.0 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.

- 15 The development hereby permitted shall not commence until drainage plans for the disposal of foul sewerage have first been submitted to and approved in writing by the Local Planning Authority in consultation with Severn Trent Water. The scheme shall then be implemented in accordance with the approved details before the development is first brought into use.

Reason - to ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

- 16 No development shall commence until such time as a detailed surface water drainage scheme has first been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA) and Severn Trent Water.

The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

The scheme shall be fully implemented prior to the occupation of the first dwelling and subsequently maintained in accordance with the approved scheme or within any other period as may subsequently be agreed in writing by the Local Planning Authority in consultation with the LLFA and Severn Trent Water.

Full details for the drainage proposal should be supplied, including but not limited to; headwall details, flow control details, pipe protection details (e.g. trash screens), long sections, cross sections, construction details and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

Reason - to prevent flooding by ensuring the satisfactory storage of and disposal of surface

water from the site.

- 17 No development (except any demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has first been submitted to and approved in writing by the Local Planning Authority, in order to ensure that the land is fit for use as the development proposes. The Risk Based Land Contamination Assessment shall be carried out in accordance with:
- BS10175:2011+A1:2013 Investigation Of Potentially Contaminated Sites Code of Practice;
 - BS 8576:2013 Guidance on Investigation for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs); and
 - CLR 11 Model Procedures for the Management of Land Contamination, published by the Environment Agency 2004.
- Should any unacceptable risks be identified in the Risk Based Land Contamination Assessment, no development shall commence on site until a Remedial Scheme and a Verification Plan have been prepared, and submitted to, and agreed in writing by the Local Planning Authority. The Remedial Scheme shall be prepared in accordance with the requirements of: -
- CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004; and
 - BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings;
- The Verification Plan shall be prepared in accordance with the requirements of:
- Evidence Report on the Verification of Remediation of Land Contamination Report: SC030114/R1, published by the Environment Agency 2010;
 - CLR 11 Model Procedures for the Management of Land Contamination, published by The Environment Agency 2004;
 - BS 8485:2015 Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings;
 - CIRIA C735, "Good practice on the testing and verification of protection systems for buildings against hazardous ground gases" CIRIA 2014.
- If, during the course of the development, previously unidentified contamination is discovered, development must cease on that part of the site and it must be reported in writing to the Local Planning Authority within 10 working days. Prior to the recommencement of development on that part of the site, a Risk Based Land Contamination Assessment for the discovered contamination (to include any required amendments to the Remedial Scheme and Verification Plan) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented in accordance with the approved details and retained as such in perpetuity, unless otherwise agreed in writing by the Local Planning Authority.

Reason - to ensure that the land is fit for purpose and to accord with the aims and objectives of Paragraph 120 of the NPPF.

- 18 Prior to the occupation of the completed development, or part thereof, either: -
1. If no remediation was required by condition 17 a statement from the developer or an approved agent confirming that no previously identified contamination was discovered during the course of development, or part thereof, is received and approved in writing by the Local Planning Authority, or
 2. A Verification Investigation shall be undertaken in line with the agreed Verification Plan for any works outlined in the Remedial Scheme and a report showing the findings of the Verification Investigation relevant to the whole development, or part

thereof, shall be submitted to and approved in writing by the Local Planning Authority. The Verification Investigation Report shall:

- Contain a full description of the works undertaken in accordance with the agreed Remedial Scheme and Verification Plan;
- Contain results of any additional monitoring or testing carried out between the submission of the Remedial Scheme and the completion of remediation works;
- Contain Movement Permits for all materials taken to and from the site and/or a copy of the completed site waste management plan if one was required;
- Contain Test Certificates of imported material to show that it is suitable for the proposed use;
- Demonstrate the effectiveness of the approved Remedial Scheme; and
- Include a statement signed by the developer, or the approved agent, confirming that all works specified in the Remedial Scheme have been completed.

Reason - to ensure that the land is fit for purpose and to accord with the aims and objections of Paragraph 120 of the NPPF.

- 19 No development shall commence until such time as an ecological/landscape management plan, which shall include long term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), together with a timetable for their implementation (which shall include the implementation of the escape route specified on drawing number 6976_SK_201 (Site Western Edge Woodland Walk) contained within the report by Ramm Sanderson Ecology Consultants (ref: RSE_154) of the 24th May 2016 and received by the Local Authority on the 25th May 2016) has first been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist. The development shall then be carried out in accordance with the agreed ecological/landscape management plan unless any variation to the agreed scheme is first submitted to and agreed in writing by the Local Planning Authority.

Reason - to ensure the protection of wildlife and supporting habitat as well as to secure opportunities for the enhancement of the nature conservation value of the site.

- 20 Prior to the installation of any external lighting on the site the precise details and positions, including illumination levels, shall first be submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist and Council's Environmental Protection team. The submitted scheme will have due regard to the provision of low level bollard lighting which is shielded/hooded at intervals of 10.0 metres along the retained escape route for protected species. Once agreed the lighting shall be installed in accordance with the approved details and shall thereafter be so retained.

Reason - to ensure the protection of wildlife and in the interests of visual and residential amenity.

Notes to applicant

- 1 Planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy

- Framework (Paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 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 This decision is subject to a Section 106 Obligation regarding the following matters: -
- a. Contribution towards education;
- 4 Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
- 5 The proposed road does not conform to an acceptable standard for adoption and therefore it 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 the private road 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/6csdg or email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it. Details of the future maintenance of the private road should be submitted for the approval of the Local Planning Authority before any dwelling is occupied.
- 6 It would appear from the proposed site layout plan that the access road is to remain private as it is not to an adoptable standard. Proposed adoptable highway corridors should measure a minimum of 7.5 metres and incorporate a minimum carriageway width of 4.8 metres, a minimum 2.0 metre footway and a minimum 0.7 metre service margin along its entire extents. Refer to 6Cs Design Guide Section DG2, table DG1 for guidance.
- 7 The maximum distance between junctions, 90-degree bends or a speed control feature is 40 metres for access ways. Please refer to 6Cs Design Guide Section DG5: Speed control for guidance.
- 8 The geometry of the turning heads are not to an adoptable standard. Turning heads should be in accordance with 6Cs Design Guide, Section DG2, figure DG4b.
- 9 Forward visibility within the development appears to be acceptable. Please ensure visibility at all junctions, bends and any vertical crests are in accordance with the 6Cs Design Guide, Section DG2: Visibility splays.
- 10 The County Highways Authority is unable to comment on the drainage proposals as no level or gully positions have been shown. All drainage infrastructure should be in accordance with 6Cs Design Guide Part 3, DG12. Gradients within the development must accord to table DG1, Part 3, Section DG2.
- 11 Where a proposed building fronts directly onto the highway, that is, it has no front garden, it should be set back at 0.5 metres behind the proposed highway boundary to allow for opening windows, drainage downpipes, overhanging eaves and so on, as per 6Cs Design Guide Part 3, Section DG2, Paragraph 3.13(f).
- 12 Where trees outside of the highway boundary are planted within close vicinity of the highway boundary, root deflectors or root protection barriers may need to be considered. For further guidance on the use of trees within the highway corridor please see 6Cs

- Design Guide, Part 3, DG13. It is vital that clear maintenance arrangements of green areas and trees are established to avoid any future doubt.
- 13 You will be required to enter into a suitable Legal Agreement with the Highway Authority for the off-site highway works before development commences and detailed plans shall be submitted and approved in writing by the Highway Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
- 14 C.B.R Tests shall be taken and submitted to the County Council's Area Manager prior to development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.
- 15 This planning permission does NOT allow you to carry out access alterations in the highway. Before such work can begin, separate permits or agreements will be required under the Highways Act 1980 from the Infrastructure Planning team. For further information, including contact details, you are advised to visit the County Council website: - see Part 6 of the '6Cs Design Guide' at www.leics.gov.uk/6csdg.
- 16 The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road.
- 17 If you intend to provide temporary directional signing to your proposed development, you must ensure that prior approval is obtained from the County Council's Highway Manager for the size, design and location of any sign in the highway. It is likely that any sign erected in the Highway without prior approval will be removed. Before you draw up a scheme, the Highway Managers' staff (tel: 0116 3050001) will be happy to give informal advice concerning the number of signs and the locations where they are likely to be acceptable. This will reduce the amount of your abortive sign design work.
- 18 The design for the access will be not be acceptable in the format shown on the submitted plan; the Highway Authority would expect that the access should be developed in a dropped crossing arrangement rather than by including the radius kerbs shown on the plan. Further details should be submitted for approval.
- 19 If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This legislation is separate from the planning process. Guidance on this process and a sample application form can be found via the following website: - <http://www.leicestershire.gov.uk/Flood-risk-management>. No development should take place within 5.0 metres of any watercourse or ditch without first contacting the County Council for advice.
- 20 The LLFA note that the industry best practice at the time of developing the proposals may have been CIRIA C697 in relation to SuDs design, but that new guidance has been produced in the form of CIRIA C753. The LLFA would recommend that the SuDs designs refer to the new guidance, including where the following aspects are detailed: treatment requirements and maintenance schedules for the surface water system.
- 21 Please note it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) that the adoption and future maintenance of SuDs features should be discussed with the developer and a suitable maintenance schedule agreed before commencement of the works.