

Residential development of up to 7 dwellings (including the retention of no.191 Loughborough Road) (Outline - details of part access included)

Report Item No
A2

191 Loughborough Road Whitwick Coalville Leicestershire
LE67 5AS

Application Reference
14/00933/OUTM

Applicant:
Mr S Hall

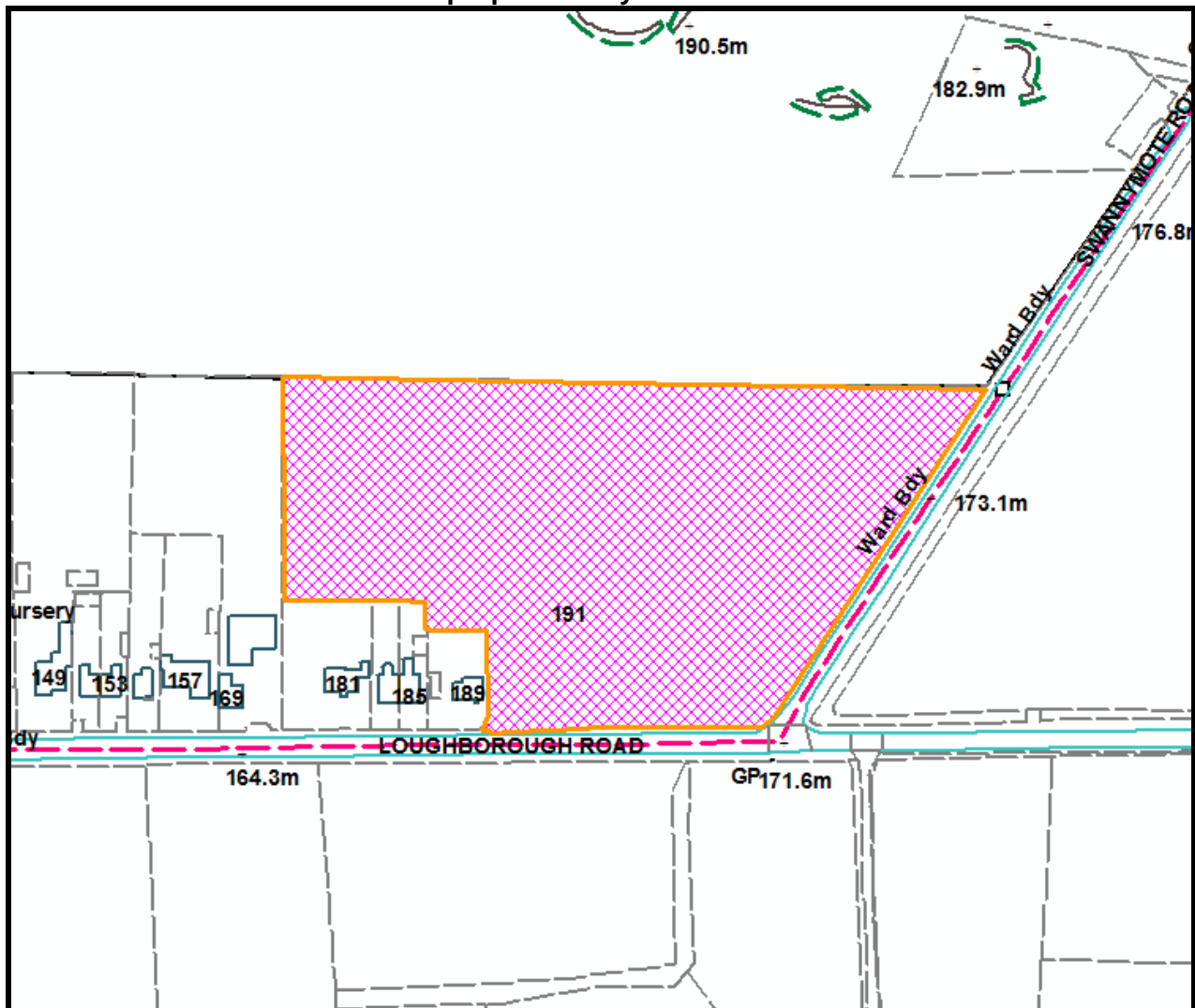
Date Registered
26 September 2014

Case Officer:
Adam Mellor

Target Decision Date
26 December 2014

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

When the application was originally submitted in 2014 it was requested by the then Ward Member, Councillor Woodward, that the application be determined by the Planning Committee due to the site being outside the defined Limits to Development as well as the adverse impacts the proposal would have on the Area of Particularly Attractive Countryside (APAC), residential amenities, highway safety, ecology and flood risk. Although Councillor Woodward is no longer the Ward Member for Thornborough the Ward Member responsible for this area, Councillor Goacher, has reaffirmed that the application should be determined by the Planning Committee for the above reasons.

Proposal

Outline planning permission is sought for a residential development of up to 7 new dwellings and the retention of no. 191 Loughborough Road with part access included for determination at this stage. The 1.86 hectare site is situated on the northern side of Loughborough Road and is partially within the Limits to Development as well as outside the Limits to Development and is within an Area of Particularly Attractive Countryside (APAC). The Grace Dieu & High Sharpley Site of Scientific Interest (SSSI) is also to the north of the site.

Consultations

A total of 537 representations, as well as a signed petition with 240 signatories, have been received objecting to the application. Whitwick Parish Council also objects to the proposals. All other statutory consultees have no objections subject to conditions.

Planning Policy

Whilst the principle of the development would conflict with the aims of Policies S3, E22 and H6 of the adopted Local Plan and Policy S3 of the publication version Local Plan, as well as 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 E22 in the decision making process. Only a limited area of the site would be outside the defined Limits to Development. The development's conflict with Policy H6 of the adopted Local Plan could justify a reason to refuse the application. Notwithstanding these conflicts the development would remain compliant with all other relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant policies of the adopted Local Plan, publication version Local Plan and other relevant guidance.

Conclusion

The site is greenfield, and lies both within and outside the defined Limits to Development with the parts outside the defined limits also being within an Area of Particularly Attractive Countryside (APAC). All of the development would be proposed on greenfield land.

Only one of the proposed dwellings would be within the APAC and therefore outside the defined limits. The remainder of the site that is outside the defined limits would remain undeveloped. A landscape buffer is to be supplied to the Grace Dieu & High Sharpley Site of Scientific Interest (SSSI). On balance, the limited harm caused to the environment as a result of the proposal

would be outweighed by the economic benefits of the development and the overall sustainability credentials of the Whitwick and Greater Coalville area, on this basis the principle of the development is accepted.

On the basis that built forms of development already exist which do not directly front onto Loughborough Road, as well as the fact that the site would be well screened, it is considered that a development could be progressed at the reserved matters stage which would not impact adversely on the character and appearance of the streetscape or the wider area and which could incorporate design characteristics consistent with properties in the area. On this basis the proposal would be compliant with Paragraphs 57, 59, 60 and 61 of the NPPF as well as Policy E4 of the adopted Local Plan and Policy D1 of the publication version Local Plan. Should reserved matters be dealt with under the adopted Local Plan, the proposal would be required to meet the requirements of Policies H7 and F1. If reserved matters are dealt with after the Council has adopted a new Local Plan, reserved matters will be dealt with in accordance with its policies.

The County Highways Authority have raised no objections to the application, subject to the imposition of conditions.

It is considered that a scheme could be devised at the reserved matters stage which would not impact adversely on the amenities of existing residential properties and as such the development would be compliant with Paragraph 123 of the NPPF, Policy E3 of the adopted Local Plan and Policy D2 of the publication version Local Plan.

Subject to careful consideration being given to the layout it is considered that a scheme could be progressed which will retain the existing protected trees and which could provide appropriate landscaping in the buffer area to be created. On this basis the development accords with Policies E7, F1, F2 and F3 of the adopted Local Plan as well as Policies En3 and En4 of the publication version Local Plan.

Subject to the imposition of conditions, archaeology and ecology would not act as a constraint on the development and as such compliance with Paragraphs 118 and 141 of the NPPF, Circular 06/05 and Policies En1 and He1 of the publication version Local Plan would be met. Severn Trent Water and the Environment Agency have raised no objections to the proposal, subject to conditions, and therefore the scheme would accord with Paragraphs 103 and 120 of the NPPF. Compliance with Paragraphs 120 and 121 of the NPPF would also be met with the imposition of contaminated land conditions on any consent granted.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to conditions;

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

MAIN REPORT

1. Proposals and Background

Outline planning permission is sought for a residential development of up to 7 new dwellings (Outline - details of part access included) at 191 Loughborough Road, Whitwick. The application site measures 1.86 hectares and is positioned to the north of Loughborough Road and west of Swannymote Road and comprises land around the existing property at No. 191 (within the applicant's ownership) which is a two-storey detached dwelling set back from Loughborough Road by approximately 33 metres. Neighbouring dwellings at Nos. 181 - 189 are two-storey detached and semi-detached dwellings that follow a building line much closer to the highway at approximately 10 metres.

The majority of the area to be developed is within the defined Limits to Development, and partially outside these Limits with the parts outside also being within an Area of Particularly Attractive Countryside (APAC). Cademan Wood is located to the north of the site.

The majority of the site is currently lawn and hard standing with minimal landscaping within the front amenity area to No. 191 (to the south of the dwelling) and open grassed paddock to the north-west, north and east of No. 191. Along the highway boundary (southern boundary) are a number of substantial trees of which three (Beech, Lime and Sycamore) are protected by Tree Preservation Order (TPO) 430. Additional trees to the southern boundary and eastern boundary (along Swannymote Road) are protected by Tree Preservation Order (TPO) 438. The protected trees would be retained as part of the development.

As part of the consideration of the application the total number of dwellings has been reduced from 34 to 7 (including the retention of no. 191) and an illustrative masterplan has been provided to show a potential arrangement of dwellings on the site as well as the provision of additional landscaping and buffer zone between the development and the Grace Dieu & High Sharpley Site of Special Scientific Interest (SSSI). Vehicular access into the site would be from a new access onto Loughborough Road (and an existing access point is to be closed).

A design and access statement, planning statement, affordable housing statement, flood risk assessment, tree survey, ecology scoping survey, Building for Life 12 Statement and energy performance statement have been submitted in support of the application.

The relevant planning history of the site is as follows

- 12/00292/FUL - Erection of four no. two-storey (with habitable accommodation in the roof space) dwellings and associated garaging - Withdrawn 16th July 2012;
- 12/01094/FUL - Erection of four no. two-storey (with habitable accommodation in the roof space) dwellings and associated garaging (revised scheme) - Refused 18th November 2013;
- 14/00219/FUL - Erection of three no. single storey detached dwellings and one no. two-storey dwelling and associated garaging - Refused 9th May 2014.

2. Publicity

43 neighbours have been notified.

Press Notice published 22 October 2014

Site Notice posted 4 November 2014

3. Consultations

Whitwick Parish Council consulted
Head of Environmental Protection consulted 21 October 2014
County Highway Authority consulted 21 October 2014
Environment Agency consulted 21 October 2014
Severn Trent Water Limited consulted 21 October 2014
Head of Environmental Protection consulted 21 October 2014
Natural England consulted 21 October 2014
NWLDC Tree Officer consulted 21 October 2014
County Archaeologist consulted 21 October 2014
LCC ecology consulted 21 October 2014
NWLDC Urban Designer consulted 21 October 2014
National Forest Company consulted 21 October 2014
LCC Development Contributions consulted 21 October 2014
NHS Leicester, Leicestershire And Rutland Facilities Management consulted 21 October 2014
Development Plans consulted 21 October 2014
Head Of Leisure And Culture consulted 21 October 2014
Manager Of Housing North West Leicestershire District Council consulted 21 October 2014
Police Architectural Liaison Officer consulted 21 October 2014
Planning Enforcement consulted 21 October 2014
Head Of Street Management North West Leicestershire District consulted 21 October 2014

4. Summary of Representations Received

The following summary of representations is provided with relate only to the scheme for 7 dwellings. Members may inspect full copies of correspondence received on the planning file.

Environment Agency has no objections subject to the imposition of conditions relating to drainage (foul and surface water).

Leicestershire County Council - Archaeology no representation received.

Leicestershire County Council - Ecology has no objections subject to conditions.

Leicestershire County Council - Highways has no objections subject to conditions.

National Forest Company has no objections subject to conditions.

Natural England has no objections subject to conditions.

NWLDC - Environmental Protection has no objections.

NWLDC - Environmental Protection (Contaminated Land) has no objections subject to conditions.

NWLDC - Tree Officer has no objections subject to conditions.

Severn Trent Water has no objections subject to conditions.

Whitwick Parish Council object to the application on grounds of unsustainability, outside limits to development, contrary to planning policies to protect Charnwood Forest and areas of

attractive countryside, highway issues relating to speeding traffic and local schools, dangerous access at both points but especially onto Swannymote Road, lack of convenient access to public transport or local amenities, increasing flooding risks, detrimental to air quality and lack of local public service infrastructure. In the event of permission being granted the Parish Council would wish to see Section 106 Obligations relating to traffic calming and extension of the '30mph' speed limit on Loughborough Road and onto Swannymote Road and transfer of green buffer zones into public ownership to prevent further expansion. The amendments made to the scheme to reduce the overall number of dwellings have not altered these views.

Third Party Representations

537 letters of representation have been received from local residents and visitors from further afield. 62 representations have been received which are not on a standard pro-forma with the remainder being received on four different types of pro forma letters: 265 of one letter; 104 of another; 76 of another; and, 30 of the fourth type. Some letters have been received from different members of the same household. All representations are objections to the proposal, and the concerns raised can be summarised as follows:

'In Principle' issues

- Two previous applications for No. 4 dwellings refused on unsustainability grounds.
- The Core Strategy is not in place so no planning permissions should be given until the new one is in place.
- The Council's housing needs can be fully met by the redevelopment of existing brownfield sites and the proposed Bardon development.
- The development is not required when there is a 5 year supply of housing;

Countryside, appearance and amenity issues

- The development will have an adverse impact on the open character of the area and adjacent countryside contrary to Policy E1.
- The application should be refused for unacceptable landscape and visual impact including that it would impact on an Area of Particularly Attractive Countryside contrary to Policy E22.
- The development would be outside Limits to Development contrary to Policy S3.
- The development, by reason of scale, mass and oppressiveness, would be detrimental to the area contrary to Policy E3.
- I use the woods and countryside of the area for recreational purposes.

Flooding issues

- The development will make localised flooding problems worse.
- Photographic evidence of local flooding has been provided on previous planning applications for this site.

Infrastructure issues

- There is no regular bus service within a kilometre of this development.
- There are no village amenities within a kilometre of the site, and the amenities are spread all over the village rather than being in one place.

Highways issues

- Swannymote Road and Loughborough Road are fast dangerous roads.
- Increased car travel leads to increases in risk of traffic accidents.

Other issues

- There would be a loss of long range views.

A signed pro-forma letter with 240 signatories objecting to the application in the circumstances the land should become 'greenfield' land and that the Site of Special Scientific Interest and Cademan Wood should be protected has also been received.

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 NPPF. The closer the policies in the development plan to the policies in the NPPF, 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 10 (Achieving sustainable development);
Paragraph 14 (Presumption in favour of sustainable development);
Paragraph 17 (Core planning principles);
Paragraph 32 (Promoting sustainable transport);
Paragraph 35 (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 53 (Delivering a wide choice of high quality homes);
Paragraph 55 (Delivering a wide choice of high quality homes);
Paragraph 57 (Requiring good design);
Paragraph 60 (Requiring good design);
Paragraph 61 (Requiring good design);
Paragraph 64 (Requiring good design);
Paragraph 73 (Promoting healthy communities);
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 120 (Conserving and enhancing the natural environment);
Paragraph 121 (Conserving and enhancing the natural environment);
Paragraph 123 (Conserving and enhancing the natural 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 both inside and outside the Limits to Development as defined in the adopted Local Plan. The following adopted Local Plan policies are relevant to this application:

Policy S2 - Limits to Development;
Policy S3 - Countryside;
Policy E3 - Residential Amenities;
Policy E4 - Design;
Policy E7 - Landscaping;
Policy E8 - Crime Prevention;
Policy E22 - Areas of Particularly Attractive Countryside;
Policy F1 - National Forest General Policy;
Policy F2 - National Forest Tree Planting;
Policy F3 - National Forest Landscaping and Planting;
Policy T3 - Highway Standards;
Policy T8 - Parking;
Policy T10 - Public Transport;
Policy T13 - Cycle Parking;
Policy H4/1 - Housing Land Release;
Policy H6 - Housing Density;
Policy H7 - Housing Design;
Policy H8 - Affordable Housing;
Policy L21 - Children's Play Area;
Policy L22 - Formal Recreation Provision;

Publication Version North West Leicestershire Local Plan

The publication version of the Local Plan was agreed by Council on 28th June 2016 with a view to its submission for examination in September 2016. Given the advanced stage that has now been reached it is considered that weight can be attached to the following policies: -

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy S3 - Countryside;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy H4 - Affordable Housing;
Policy H6 - House Types and Mix;
Policy IF1 - Development and Infrastructure;
Policy IF3 - Open Space, Sport and Recreation Facilities;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En3 - The National Forest;
Policy En4 - Charnwood Forest;
Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
Policy Cc2 - Water - Flood Risk; and

Policy Cc3 - 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.

6Cs Design Guide (Leicestershire County Council)

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

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

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

6. Assessment

Principle of Development

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

The application site lies both within and outside the defined Limits to Development with residential development being an acceptable form of development within the limits, in the context of Policy S2 of the adopted Local Plan, but not outside these limits, in the context of Policy S3 of the adopted Local Plan and Policy S3 of the publication version Local Plan.

The NPPF requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the publication Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

The concept of new development being directed to locations that minimise reliance on the private motorcar is contained within the NPPF and it is noted that in considering previous applications on the site, for four dwellings, the site has generally been considered socially sustainable. However, in a recent appeal decision reference was made to the Institute of Highways and Transportation document '*Providing for Journeys on Foot*' which outlines that the preferred maximum walking distance to local services would be 800 metres and 1000 metres to a school. Previous assessments have been based around the Department of Transport (DoT)

statistics which show that the average trip length undertaken by foot would be 1km, however, the Inspector in the above appeal considered that does not take into account those people who would walk but are put off by such distances and choose to travel by alternative means. Although accepting that the site is located within Greater Coalville the actual application site is located on the edge of the settlement of Whitwick and any non-vehicular trips to services in Whitwick and the wider area would involve navigating significant gradients on Loughborough Road and/or Parsonwood Hill. It is also noted that there is no regular bus service operating in the immediate area with the nearest bus stop only providing a Demand Responsive Transport Service on Mondays to Wednesdays and limited bus service on Thursdays to Saturday. These services do not operate at late hours, or at all on Sundays.

On this basis the proposal would result in a development in which residents would be fairly dependent on their cars and where opportunities for non-car modes of travel would be limited. However, the wider sustainability credentials of Whitwick and Greater Coalville are noted and this would ensure that the length of trips for many purposes would be limited. Overall the accessibility of the application site is considered to not be so poor as to warrant a refusal of the application on this matter alone, but this conflict with the social sustainability aspect of the NPPF does count against the scheme in the overall planning balance.

From an environmental sustainability point of view it is noted that half of the developable site area would currently be located within an Area of Particularly Countryside (APAC) although such designation of land in the area is not carried forward within the publication version Local Plan and so the land would be considered 'countryside'.

The adopted Local Plan confirms that the APAC represents the most significant and important rural landscape locally with Policy E22 specifying that: -

"Development will not be permitted which would adversely affect or diminish the present open character and attractive rural landscape and / or be detrimental to natural habitats and scientific interest of the following Areas of Particularly Attractive Countryside, identified on the Proposals Map:

- (a) *Land to the east of Greenhill, Thringstone, Whitwick and Worthington, including part of Charnwood Forest...*

.Built development will be permitted only where it is appropriate to the established character of the designated area in terms of scale, siting, detailed design and materials of construction."

Accompanying paragraph 4.93 provides that "In addition the District Council will seek to:

- (a) *Undertake or encourage measures to protect and enhance the landscape, wildlife, habitat, archaeological and scientific interest of the designated area, including planting, nature conservation measures and the provision of nature interpretation and appreciation facilities;*
- (b) *Secure the positive management of land within the designated areas to enhance and maintain its wildlife habitat and features of scientific and archaeological interest;*
- (c) *Protect and conserve particular features which contribute to the special character of the designated areas, such as dry stone walls in the Charnwood Forest."*

As well as being within an APAC as defined in the adopted Local Plan, the site also falls within the Charnwood Forest Regional Park, an area comprising land within the District of North West Leicestershire, and the Boroughs of Charnwood and Hinckley and Bosworth, distinctive for its rugged upland landscape. Regional Parks are non-statutory partnership-led initiatives, and designation does not provide affected land with any statutory protection. There are no adopted Local Plan policies relating to the Regional Park, although a Vision has been agreed between Leicestershire County Council and the respective District and Borough Councils and provides that *"The unique natural and cultural heritage features of the Charnwood Forest will be managed and promoted through the Charnwood Forest Regional Park. The Regional Park will be recognised as an essential part of the growing communities in the Derby, Leicester and Nottingham area, now and in the future"*. The publication version Local Plan does contain a policy in relation to the Charnwood Forest (En4) and this seeks to protect and enhance the landscape, biodiversity, natural history and cultural heritage of the Charnwood Forest Regional Park (CFRP).

The proposed application is in outline form but on the basis of the indicative layout plan it is indicated that only one dwelling would be constructed in the area designated as APAC, which would be of a similar scale to no. 191. Should planning permission be granted it could be ensured at the reserved matter stage that a layout of a similar design is progressed with a note to the applicant advising of this requirement.

Ultimately the provision of a dwelling within the APAC is, in principle, contrary to the aims of Policy E22 of the adopted Local Plan. Whilst conflict arises this Policy does highlight that built development is not inappropriate provided that it respects the established character and that measures should be in place to promote landscape, wildlife and habitat management

On the basis of the indicative layout plot 7 would be positioned in a manner so that its building line would be consistent with no. 191 and would be of a similar scale, this plot would also benefit from an enlarged curtilage. The site as a whole would also be enhanced with the indicative layout plan highlighting that significant ecological and landscape improvements would be made within a large 'buffer zone' to the north of the proposed dwellings which would be secured by condition should planning permission be granted.

It is considered that the reduction in the number of dwellings also allows enhancements to be made to biodiversity and ecology via the creation of the 'buffer zone', which in turn helps to protect the Grace Dieu & High Sharpley Site of Scientific Interest (SSSI), weigh in favour of the development given the specification of the criteria of Policy E22, particularly as the introduction of only one dwelling into the APAC would not significantly affect its present open character to an extent whereby the application should be resisted. This is due to the site's enclosure within a significant tree screen as well as the fact that the built form, as proposed, respects the character and scale of development it would be associated with. The weight attached to Policy E22 in the overall assessment would be reduced given that this policy would not be progressed in the publication version Local Plan.

It is not considered that the dwellings would be 'isolated'.

Whilst there would be some impact on the 'openness' of the rural environment, given that a greenfield site would be built upon, the dwellings could be positioned so as to ensure that they would be viewed in connection with existing built forms with it also being ensured that there would be a limited projection into the rural environment by only allowing one dwelling to be constructed to the east of no. 191. In this circumstance the implications to the 'openness' of the rural environment would not be so adverse as to suggest the development should be resisted

particularly when the majority of the dwellings, on the basis of the indicative layout plan, would be within the Limits to Development, where there would be a presumption in favour of this form of development.

In conclusion whilst some environmental harm would arise by virtue of the development being on a greenfield site partially outside the limits of development the degree of harm would not be of such detriment as to warrant a refusal of the application given the limited harm to the 'openness' of the rural environment and the containment of dwellings in close proximity to existing built forms. Some harm would also be outweighed by the economic benefits associated with the construction of the dwellings and the overall social sustainability credentials associated with the Whitwick and Greater-Coalville area. With respect to Policy E22 of the adopted Local Plan it is considered that the conflict with this policy would also be limited given that only one dwelling is proposed within the APAC, and that significant ecological and biodiversity enhancements would be carried out within a 'buffer' zone between the developable site area and the boundary with Cademan Wood (containing the Grace Dieu & High Sharpley SSSI). It is also has to be recognised that only limited weight would be attached to Policy E22 in the decision making process given that it would not be progressed in the publication version Local Plan.

Overall the principle of the development would be acceptable.

Landscape and Visual Impact

The proposed plans have been assessed on the Local Planning Authority's behalf by a landscape consultant (Jon Etchells Consulting). It is considered that the character of the local landscape is assessed in the '*Charnwood Forest Landscape and Settlement Character Assessment*' (2008) which shows that the site is within the 'Charley' landscape character area which includes a number of landscape recommendations including: -

"Conserve the integrity of key features such as the woodland, rocky outcrops, areas of heathland and strong landscape pattern formed by the dry stone walls and hedgerows;"

"Conserve the wooded nature of the character area and the appearance of built form nestled in the landscape. Built form should also retain its scattered and small form. The strongly defined and vegetated edges of larger settlements should be retained and augmented through new planting."

In assessing the development in relation to the 34 dwellings originally proposed the landscape consultant raised a number of concerns and concluded that the proposed dwelling types, their density and rectilinear layout would not reflect the more open, informal arrangement of existing houses along Loughborough Road. Such an approach to development would therefore adversely affect and diminish the present open characteristics and attractive rural landscape of the site and surrounding area and would not be appropriate to the character of Area of Particularly Attractive Countryside (APAC) in which the development would be partially set.

The scheme has been significantly amended from that originally proposed with the overall number of dwellings first being reduced to 10 and now to 7 in order to address the concerns highlighted by the landscape consultant who has advised that the negative impacts originally highlighted have been reduced accordingly.

It is likely that only the roof slope of the new dwelling would be readily visible, due to the mature trees present to the southern and eastern boundaries, which would be viewed in association

with the roof slope of no. 191 in wider views with the proposed dwelling projecting no further north than the existing built forms associated with no. 191 which reduces the urbanising impact. On this basis the development would be compatible with the established character in the area by virtue of it being progressed as a large detached dwelling in a spacious plot.

The proposed scheme also mitigates the limited implications to the APAC by dedicating a large proportion of the application site to ecological and biodiversity enhancements with tree planting and wetlands which would complement the Grace Dieu & High Sharpley SSSI within Cademan Wood to the north. Such measures are considered compliant with the aims of Policy E22 of the adopted Local Plan by virtue of the protection and enhancement of the landscape and would also strengthen the landscape barrier at the edge of the Whitwick Greater Coalville area consistent with the recommendations of the Charley landscape character area.

The proposed development would not diminish the open character to an extent whereby the APAC would be adversely affected and would be mitigated by the significant ecological and biodiversity enhancements undertaken.

Density

It is specified on the application forms that the application site area is 1.86 hectares but it is noted that this is applicable to when 34 dwellings were proposed on the site. Now that the scheme has been reduced to 7 new dwellings the site area has been reduced to 1.03 hectares. On this basis the scheme would have a density of 6.80 dwellings per hectare which would be significantly below the 40 dwellings per hectare normally expected within the Greater Coalville Area.

Policy H6 of the adopted Local Plan, also identifies that it is important to factor into any assessment the principles of good design as well as green space and landscaping requirements. In the circumstances that the Local Authority values good design in its approach to residential development and that provision has been made to create a substantial landscape buffer to the Grace Dieu & High Sharpley Site of Scientific Interest (SSSI) it is considered that the proposed density would be an appropriate use of the land in this instance.

In conclusion whilst there is some conflict with Policy H6 this is not considered a suitable reason, in itself, to warrant a refusal of the application.

Means of Access and Transportation

All matters are reserved for subsequent approval except for access (insofar as vehicular access into and out of the site is concerned). The point of access would be newly created and would have a width of 5.5 metres with the provision of vehicular visibility splays of 2.4 metres by 120 metres in an eastern and a western direction. An existing access, which lies 7.0 metres to the east of the new access, would be closed. Whilst the illustrative layout shows internal access roads and pedestrian links through the site, these would be considered at the reserved matters stage(s), although their impact on the overall potential accessibility and connectivity of the site still ought to be considered.

The County Highways Authority (CHA) has been consulted on the application and have raised no objections subject to the imposition of relevant planning conditions. The suggested planning conditions of the CHA include off-site highway works for speed reduction measures on Loughborough Road as well as the relocation of the existing 30 mph speed limit and provision of satisfactory pedestrian and visibility splays. It will also be a requirement that a construction

traffic management plan is agreed to ensure that this element of the development proposals does not result in adverse impacts on the highway.

Whilst concerns have been expressed in respect of highway safety Paragraph 32 of the NPPF indicates that "development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." In the circumstances that the CHA have raised no objections to the proposed access arrangements and the level of vehicular activity associated with 7 additional dwellings would not be significant it is considered that the proposal would not have a severe impact on highway safety as to justify a refusal of the application. On this basis it would be compliant with Paragraph 32 of the NPPF, Policy T3 of the adopted Local Plan and Policy IF4 of the publication version Local Plan.

The specific parking arrangements for each individual property would be addressed by reserved matters and as such the particular requirements of Paragraph 39 of the NPPF as well as Policies T8 and T10 of the adopted Local Plan and/or Policy IF7 of the publication version Local Plan would be satisfied at that time.

In terms of the formation of a new access into the site off Swannymote Road it is noted that following a reduction in the overall number of dwellings this access would no longer be used in connection with the development. As such it will be made explicit within the planning conditions, should permission be granted, that this application does not provide for the retention of the existing access off Swannymote Road which has been formed without planning permission.

Ecology

An ecology scoping survey was submitted in support of the application and this has been assessed by both Natural England and the County Council Ecologist. Initially, when the scheme proposed 34 dwellings, the County Council Ecologist raised concerns about the proximity of development to the Grace Dieu & High Sharpley SSSI and that a larger area of open space should be created due to the significant erosion of existing open space on the site, whilst this view was provided a decision was deferred to Natural England given the presence of an SSSI.

Natural England raised no objections to the development subject to the imposition of a condition on any consent granted to ensure that the SSSI was not adversely affected. This condition relates to measures to ensure that a construction management plan is agreed, that the curtilages of properties close to the SSSI are restricted, that the SSSI is not accessed from the site and that an agreement is made on who would be responsible for the long-term maintenance of any 'buffer zone' established between the application site and the SSSI. Such requirements could be secured by appropriate conditions although any condition to restrict the curtilages of the properties would be applicable to the reserved matters submission given that the layout is not for approval at this stage.

Following a reduction in the overall amount of dwellings the County Council Ecologist has no concerns subject to the imposition of conditions on any consent granted for the landscaping scheme to provide suitable wildlife habitats adjacent to the SSSI as well as locally native species of planting.

In the circumstances that protected species would not act as a constraint on the development proposals it is considered that it would be compliant with Paragraph 118 of the NPPF, Circular 06/05 and Policy En1 of the publication version Local Plan.

Landscaping

In respect of the scheme as originally proposed the Council's Tree Officer commented that the construction of the Swannymote Road access would result in the felling of three oak trees on the highway verge to provide the necessary visibility splays with the proposed attenuation pond and Locally Equipped Area of Play (L.E.A.P) providing only limited scope for new tree planting with negligible front garden space not allowing for successful avenue planting to be provided. The National Forest Company also outlined concerns due to the proximity of the site to the Grace Dieu & High Sharpley SSSI and the loss of tree coverage on the site outside that protected by Tree Preservation Orders (TPO) 430 and 438.

Following a reduction in the overall number of dwellings the concerns previously expressed by the Council's Tree Officer and the National Forest Company have been addressed by the provision of a substantial buffer zone between the new development and the SSSI in order to ensure that it is adequately protected. Within this zone additional landscaping planting could be provided to meet the requests of the National Forest Company as well as provision of a management schedule for its future maintenance. Existing trees on the site, outside those protected by TPO's 430 and 438, would also not be adversely impacted on and their protection could be secured when a layout is provided under any subsequent reserved matters application.

On this basis the proposed development is considered to accord with the aims of Policies E7, F1, F2 and F3 of the adopted Local Plan as well as Policies En3 and En4 of the publication version Local Plan.

Design

The need for good design in new residential development is outlined not only in adopted Local Plan Policies E4 and H7, as well as Policy D1 of the publication version Local Plan, but also Paragraphs 57, 60 and 61 of the NPPF.

The application site is sloped with the land along the western boundary being lower than that along the eastern boundary by around 2.2 metres. Residential properties within the immediate vicinity of the site predominately front onto Loughborough Road with the two exceptions being Nos. 169 and 191 Loughborough Road and the dwellings generally consist of detached or semi-detached types.

A key challenge for any future reserved matters application, should the principle of development be accepted, will relate to the creation of a scheme which has character and how a place with local or otherwise distinctive character can be created by drawing influence from the positive and distinctive characteristics of Whitwick. This could be achieved by drawing upon selected local characteristics of dwelling and their materials within the vicinity of the site, i.e. window details, brick and cill details, verge and eaves detailing, and combining these with a strong landscape character which in turn creates a locally distinctive identity.

Overall, therefore, the development would not result in sufficient conflict with Paragraphs 57, 59, 60 and 61 of the NPPF, Policy E4 of the adopted Local Plan or Policy D1 of the publication version Local Plan as to warrant a refusal of the application. Should reserved matters be dealt with under the adopted Local Plan, the proposal would be required to meet the requirements of Policies H7 and F1. If reserved matters are dealt with after the Council has adopted a new Local Plan, reserved matters will be dealt with in accordance with its policies.

Neighbours' and Future Occupiers' Amenities

The impact on neighbouring occupiers arising from the proposed buildings would need to be assessed at the reserved matters stage(s). The most critical assessment would be in respect of the relationship which would be established between new dwellings and nos. 169, 181, 183, 185 and 189 Loughborough Road to the south and south-west as well as no. 191 itself. Notwithstanding the details shown on the illustrative layout, there would appear to be no reason in principle why up to 7 new units, along with the retention of no. 191, could not be provided on the site in a manner which would not adversely impact upon neighbours' amenities.

Concerns have been expressed about the potential noise generated by vehicles utilising the access road, however, it is noted that the internal access roads are not for approval under this application and therefore this is a matter which would be assessed in more detail at the reserved matters stage. In any event it is noted that the Council's Environmental Protection Team have not raised any objections in relation to any potential noise impacts associated with the development. With regards to any objections raised over construction noise it is considered that this is an inevitable temporary manifestation of any development project. The site does not lie within an Air Quality Management Area (AQMA) and no objections have been received from the Council's Environmental Protection Air Quality Officer in respect of any potential impacts on air quality in the area.

In conclusion it is deemed that the development would not have any significantly detrimental impacts upon neighbouring residential amenities and is therefore considered compliant with Paragraph 123 of the NPPF as well as Policy E3 of the adopted Local Plan and Policy D2 of the publication version Local Plan.

Flood Risk and Drainage

The site lies within Flood Zone 1 as defined by the Environment Agency as having a low probability of flooding.

Surface water run-off would be addressed with the provision of a sustainable urban drainage scheme (SuDs) and direction of water to an existing watercourse with foul drainage being directed to the mains sewer.

In these circumstances the proposed development would accord with Paragraphs 103 and 120 of the NPPF as well as Policies Cc2 and Cc3 of the publication version Local Plan.

Archaeology

No representation to the application has been received from the County Council Archaeologist 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 and He1 of the publication version Local Plan.

Viability of the Development

The scheme has been reduced from a total of up to 34 dwellings (including the retention of no. 191 Loughborough Road) to now being up to 7 dwellings (including the retention of no. 191). On this basis the development would no longer constitute a 'major' proposal (i.e. a scheme of 10 dwellings or more) and therefore would not be a level of development on which developer contributions would be sought. On this basis the development would not be required to be

compliant with Paragraphs 203 and 204 of the NPPF.

Other Matters

The Council's Environmental Protection team have raised no objections to the development with regards to ground contamination subject to imposition of a relevant condition on any consent granted. The application site is also not within a Coal Mining Referral Area and given this status it is considered that the proposals would not lead to land instability issues to neighbouring properties which would ensure compliance with Paragraphs 120 and 121 of the NPPF as well as Policy En6 of the publication version Local Plan. Should any future issue arise with regards to land stability then this would be a civil matter between the residential properties affected and the developers of the site.

There is no evidence to suggest that the 'blasting' of granite rock would be required to form the drainage channels and in any case this method of construction would be covered by separate legislation and would not form a material planning consideration. The implications of the development on property values and the right to a view are also not material considerations which can be taken into account in the determination of this application.

Summary Reasons for Granting Planning Permission

The site is greenfield, and lies both within and outside the defined Limits to Development with the parts outside the defined limits also being within an Area of Particularly Attractive Countryside (APAC). All of the development would be proposed on greenfield land.

Only one of the proposed dwellings would be within the APAC and therefore outside the defined limits. The remainder of the site that is outside the defined limits would remain undeveloped. A landscape buffer is to be supplied to the Grace Dieu & High Sharpley Site of Scientific Interest (SSSI). On balance, the limited harm caused to the environment as a result of the proposal would be outweighed by the economic benefits of the development and the overall sustainability credentials of the Whitwick and Greater Coalville area, on this basis the principle of the development is accepted.

On the basis that built forms of development already exist which do not directly front onto Loughborough Road, as well as the fact that the site would be well screened, it is considered that a development could be progressed at the reserved matters stage which would not impact adversely on the character and appearance of the streetscape or the wider area and which could incorporate design characteristics consistent with properties in the area. On this basis the proposal would be compliant with Paragraphs 57, 59, 60 and 61 of the NPPF as well as Policy E4 of the adopted Local Plan and Policy D1 of the publication version Local Plan. Should reserved matters be dealt with under the adopted Local Plan, the proposal would be required to meet the requirements of Policies H7 and F1. If reserved matters are dealt with after the Council has adopted a new Local Plan, reserved matters will be dealt with in accordance with its policies.

The County Highways Authority have raised no objections to the application, subject to the imposition of conditions.

It is considered that a scheme could be devised at the reserved matters stage which would not impact adversely on the amenities of existing residential properties and as such the development would be compliant with Paragraph 123 of the NPPF, Policy E3 of the adopted Local Plan and Policy D2 of the publication version Local Plan.

Subject to careful consideration being given to the layout it is considered that a scheme could be progressed which will retain the existing protected trees and which could provide appropriate landscaping in the buffer area to be created. On this basis the development accords with Policies E7, F1, F2 and F3 of the adopted Local Plan as well as Policies En3 and En4 of the publication version Local Plan.

Subject to the imposition of conditions, archaeology and ecology would not act as a constraint on the development and as such compliance with Paragraphs 118 and 141 of the NPPF, Circular 06/05 and Policies En1 and He1 of the publication version Local Plan would be met. Severn Trent Water and the Environment Agency have raised no objections to the proposal, subject to conditions, and therefore the scheme would accord with Paragraphs 103 and 120 of the NPPF. Compliance with Paragraphs 120 and 121 of the NPPF would also be met with the imposition of contaminated land conditions on any consent granted.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to the following conditions.

- 1 Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall begin before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

- 2 Save for the details of vehicular access into the site from Loughborough Road, details of the access, appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development begins in respect of the relevant phase.

Reason - this permission is in outline only.

- 3 The proposed development shall be implemented in accordance with the access arrangements shown on the site location plan (1:1250), received by the Local Authority on the 26th September 2014, and drawing number HMD/PD/0288/01 Revision C, received by the Local Authority on the 3rd June 2016, unless otherwise required by another condition of this permission.

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

- 4 Notwithstanding the requirements of Condition 3 above, or the information shown on drawing number HMD/PD/0288/01 Revision C, received by the Local Authority on the 3rd June 2016, this planning permission does not authorise the retention of the vehicular access created into the site off Swannymote Road which will be need to be the subject of a separate planning application.

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

- 5 A total of no more than 7 new dwellings shall be erected.

Reason - to determine the scope of the permission.

- 6 The reserved matters application shall include details of existing and finished ground levels and the proposed floor levels of the dwellings in relation to an existing datum point off the site. The development shall then be carried out in accordance with the approved details.

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

- 7 Notwithstanding the submitted plans, nor Condition 2 above, no development shall commence on the site until such time as a detailed scheme for the boundary treatment of the site (including all walls, fences, gates, railings and other means of enclosure) has been submitted to and 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.

Reason - to preserve the amenities of the locality, in the interests of highway safety and because insufficient information has been submitted as part of the outline application.

- 8 The gradient of the access drive shall not exceed 1:12 for the first 5.0 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.

- 9 If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected at the access they shall be set back a minimum distance of 15.0 metres behind the highway boundary and shall be hung so as to open inwards only.

Reason - to enable vehicles to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.

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

Reason - to reduce the possibility of deleterious material (mud, stones etc.) being deposited onto 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.

- 11 No development shall commence on site until details of the design for off-site highway works being speed reduction measures on Loughborough Road including the relocation of the existing 30 mph limit have been approved in writing by the Local Planning

Authority in consultation with the County Highways Authority. Once agreed the approved scheme shall be provided in accordance with the approved details prior to the first occupation of the 7th dwelling.

Reason - in the interests of highway safety, including pedestrian safety.

- 12 Before first use of the development, hereby permitted, the following shall be provided: -
- Drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained;
 - Visibility splays of 2.4 metres by 43.0 metres shall be provided at the junction of the access with Loughborough Road. These shall be in accordance with the standards contained in the current County Council design guide;

Once provided the above shall thereafter be so maintained with nothing being allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason - to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users; 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.

- 13 Within 30 days of the new access identified on drawing number HMD/PD/0288/01 Rev C, received by the Local Planning Authority on the 3rd June 2016, being provided a scheme for the closure of the vehicular access to no. 191 Loughborough Road and the reinstatement of the existing vehicular crossings shall be submitted to the Local Planning Authority for approval in consultation with the County Highways Authority. The approved scheme shall be implemented within 30 days of the date of approval, or any other timescale first submitted to and agreed in writing by the Local Planning Authority, and maintained thereafter in perpetuity.

Reason - to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

- 14 No development shall commence until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The scheme shall subsequently be implemented in accordance with the approved details prior to the first occupation of any of the new dwellings. The scheme to be submitted shall demonstrate: -
- Surface water drainage system(s) designed in accordance with CIRIA C697 and C687 or the National SuDS Standards, should the later be in force when the detailed design of the surface water drainage system is undertaken.
 - Limiting the discharge rate generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm ideally to Greenfield rates for the site but as a minimum so that it will not exceed the run-off from the undeveloped site and will not increase the risk of flooding off-site
 - Provision of surface water run-off attenuation storage in accordance with the requirements specified in 'Science Report SC030219 Rainfall Management for Developments'.

- Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- Details of how the on-site surface water drainage system shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.

Reason - to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

- 15 No development shall commence until drainage plans for the disposal of foul drainage have first been submitted to and approved in writing by the Local Planning Authority in consultation with Severn Trent Water. The scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the new dwellings.

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

- 16 No development (except any demolition permitted by this permission) shall commence on site until a Risk Based Land Contamination Assessment has 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 Investigations 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 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 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 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.

17 Prior to occupation of the completed development, or part thereof, either: -

- 1) If no remediation was required by Condition 16 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 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 its 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 the 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 objectives of Paragraph 120 of the NPPF.

18 No development shall commence on site until such time as a site specific tree and hedge protection plan, particularly for the trees protected by Tree Preservation Orders (TPOs) 430 and 438, has first been submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details which shall remain in place until all works relating to the development proposals are complete. 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, in particular trees protected by Tree Preservation Orders 430 and 438; in the interest of health and safety.

- 19 The first reserved matters application in respect of the matter of landscaping shall provide for an ecological/landscape management plan, including long term design objectives (which should include the creation of wildlife habitats adjacent to the SSSI), management responsibilities and maintenance for all landscaped areas (except privately owned domestic gardens). The development shall be carried out in accordance with the landscape management plan, or in accordance with any subsequent variations first submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist and Natural England.

Reason - to ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site in line with National Planning Policy and to provide for an appropriate form of development.

- 20 Operations that involve the destruction and removal of vegetation shall not be undertaken during the months of March to September inclusive unless otherwise agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist. This is to ensure that breeding birds will not be adversely affected by any works.

Reason - to reduce the impact of the proposal on nesting birds, which are a protected species.

- 21 No development shall commence on site until a method statement for the construction of the development, which shall include how access from the site to the Grace Dieu & High Sharpley Site of Scientific Interest (SSSI) will be prevented, has first been submitted to and agreed in writing by the Local Planning Authority in consultation with the County Council Ecologist and Natural England. The method statement shall have particular regard to the pollution control measures which will reduce the risk of pollution events within the Grace Dieu & High Sharpley Site of Scientific Interest (SSSI). Once agreed the development shall thereafter be carried out in strict accordance with the method statement.

Reason - to ensure that protected species are adequately protected and their habitat enhanced; to ensure that the features of special interest within the SSSI are not impacted on.

Notes to applicant

- 1 Outline planning permission has been granted for this proposal. The Local Planning Authority acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 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 The applicant is advised that the dwelling proposed to the east of no. 191 Loughborough

- Road should be of a similar scale to no. 191 in order to respect the established character this particular dwelling has created.
- 4 All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager (telephone 0116 3050001).
 - 5 With regard to the design for off-site highway works being speed reduction measures on Loughborough Road, a satisfactory design may include a village gateway entry treatment with dragon's teeth road markings, and a raised table junctions. Consideration may also be given to the provision of mini-roundabouts junctions, in order to further reduce speeds.
 - 6 On the basis of the submitted plans, the details of the tactile paving crossings at the access are not in accordance with the guidance contained in the 6Cs Design Guide. Before development commences, an amended plan should be submitted to and approved in writing by the Local Planning Authority.
 - 7 If the roads within the proposed development are to be adopted by the Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980 for the adoption of the roads. Detailed plans will need to be submitted and approved, the agreement signed and all sureties and fees paid prior to the commencement of development. If an agreement is not in place when the development is to be commenced, the Highway Authority will serve APCs in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge MUST be made before building commences.
 - 8 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 to and approved in writing by the Local Planning Authority. The Agreement must be signed and all fees paid and surety set in place before the highway works are commenced.
 - 9 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 you are advised to visit the County Council website (www.leics.gov.uk/6CSDG), or email roadadoptions@leics.gov.uk.
 - 10 C.B.R. Tests shall be taken and submitted to the County Council's Highways Manager prior to the development commencing in order to ascertain road construction requirements. No work shall commence on site without prior notice being given to the Highways Manager.
 - 11 Any statutory undertaker apparatus that requires relocation shall be moved entirely at the expense of the applicant, who shall first obtain the separate consent of the relevant authority.
 - 12 Proposed adoptable highway corridors should measure a minimum of 7.5 metres and incorporate a 2m minimum footway and minimum 0.7m service margin along its entire extents. Turning head provided for lane 2 may require tweaking. See 6Cs Design Guide, Part 3, Section DG2, Paragraph 3.36 for future guidance.
 - 13 Off-street parking located behind the 0.7m service margin will lead to problematic levelling issues causing cars to bottom against the footway back edging where the land level change is greater than a 1:14 gradient. To avoid the risk and potential damage to vehicles and edging, it is recommended that the footway width is increased to 1.5m in width to reduce the severity of level change over a short distance or raise the carriageway levels over the extents of the private off-street parking via installing raised speed tables. For further guidance see 6Cs Design Guide, standard drawings SD/11/10.
 - 14 Trees planted within the highway boundary will attract a commuted sum and should incorporate root ball protection, tree grilles/pits, and root deflectors. For further guidance

- on the use of trees within the highway corridor please see 6C's, part 7, section L4.
- 15 During the period of construction, oil and fuel storage will be subject to the Control of Pollution (Oil Storage) (England) Regulations 2001. The Regulations apply to the storage or oil or fuel of any kind and in any kind of container which is being used and stored above ground, including drums and mobile bowsers, situated outside a building and with a storage capacity which exceeds 200 litres. A person with custody or control of any oil or fuel breaching the Regulations will be guilty of a criminal offence. The penalties are a maximum fine of £5000 in Magistrates' Court or an unlimited fine in Crown Court. Further details of the Regulations are available from the Environment Agency.
- 16 It is recommended that the installation of fittings that will minimise water usage such as low, or dual flush WC's, spray taps and economical shower-heads in the bathroom are installed. Power showers are recommended as they can consume more water than an average bath. Water efficient versions of appliances such as washing machines and dishwashers are also recommended. For outdoors consider installing a water butt, or even a rainwater harvesting system, to provide a natural supply of water for gardens. Simple treatment systems exist that allow rainwater to be used to supply WC's within the home. Following the above recommendations will significantly reduce water consumption and associated costs when compared to traditional installations. Rainwater harvesting utilises a free supply of fresh water and reduces the cost to the environment and the householder.
- 17 The applicant must ensure that people carrying out the works are made aware of the legal status of breeding birds, and that they proceed with care to ensure that if any breeding birds are present, they are not killed, injured or disturbed. If a breeding bird is discovered it should be left undisturbed and the relevant work should be halted immediately until the young birds have flown. Failure to comply with this may result in prosecution any anyone found guilty of an offence is liable to a fine of up to £5,000.00 or to imprisonment for a term not exceeding six months, or both, as it is an offence to disturb nesting/breeding birds.
- 18 The applicant is advised that the County Ecologist has requested that all tree, shrub and landscape planting provided should be of a locally native species only.