

## Blaby District Council

### Planning Committee

**Date of Meeting**      **7 July 2022**  
**Title of Report**      **Applications for Determination**  
**Report Author**      Development Services Manager

#### 1. What is this report about?

- 1.1 To determine planning applications as listed in paragraph 3.2 below and detailed in the attached report.

#### 2. Recommendation

- 2.1 That the recommendations listed within paragraph 3.2 below and detailed in the attached report be approved.

#### 3. Matters to consider

- 3.1 To avoid unnecessary delay in the processing of planning applications, the recommendations included in this list must often be prepared in advance of the closing date for the receipt of representations. This list was prepared on **28 June 2022** and information of representations received will be updated at your meeting. This updating will also cover any other information which may come to hand in the intervening period. Closing dates are given where they fall on or after the day of preparation of the list.

3.2	Application No.	Page No.	Address	Recommendation
	<b>21/1170/FUL</b>	<b>11</b>	<b>Land to rear of 21 Hinckley Road, Leicester Forest East</b>	<b>Approve</b>

#### 3.3 Appropriate Consultations

Details of organisations / persons consulted in relation to the applications are included in the reports for each individual application. Members will be aware that full copies of correspondence received are available to view on the respective planning file and through the planning portal <https://w3.blaby.gov.uk/online-applications/>

#### 3.4 Resource Implications

There are no specific financial implications arising from the contents of this report.

**4. Other options considered**

These are included where appropriate as part of the reports relating to each individual application.

**5. Background paper(s)**

Background papers are contained in files held in the Planning Division for each application being considered and are available for public inspection.

**6. Report author's contact details**

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Development Services Team Leaders

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21/1170/FUL

21<sup>st</sup> September 2021

New Build Homes

**Erection of 3 dwellings**

**Land to rear of 21 Hinckley Road, Leicester Forest East**

**Report Author: Helen Wallis, Senior Planning Officer**

**Contact Details: Council Offices. Tel: 0116 272 7698**

**RECOMMENDATION:**

**THAT APPLICATION 21/1170/FUL BE APPROVED SUBJECT TO THE IMPOSITION OF THE FOLLOWING CONDITIONS:**

1. 3 year time limit condition
2. Approved plans
3. Materials to be submitted and agreed
4. Details of finished floor levels
5. Foul and surface water drainage to be implemented in accordance with drainage plan.
6. Landscaping to be submitted and agreed
7. Landscaping to be implemented
8. Hedgerow on northern boundary to be retained and maintained at minimum 2m height.
9. Tree and hedgerow protection measures to be implemented in accordance with Arboricultural Method Statement.
10. Any works within the tree root protection areas to use hand-dig techniques only and no-dig construction methods and be carried out under supervision of an arboriculturalist.
11. Construction of foundation to Plot 1 to be screw pile and concrete pad as per Arboricultural Method Statement and be carried out under supervision of an arboriculturalist.
12. Bat mitigation and general enhancement recommendations set out in Ecological Appraisal
13. Access to be provided and surfaced in a bound material
14. Parking and turning facilities to be implemented
15. Bin storage to be provided prior to occupation in accordance with plan
16. Development to proceed in accordance with the submitted Construction and Environmental Management Plan
17. Removal of permitted development rights for extensions, roof additions or alterations or additional buildings within the curtilages

**NOTES TO COMMITTEE**

This application has been brought before the Planning Committee under the Member call in procedure by Cllr Stuart Coar for the following reasons:

- Impact upon the willow tree (T1) in the garden of 23 Hinckley Road;

- Concern about accessibility to the site.

## **Policy and Relevant Legislation**

### **National Planning Policy Framework (2021)**

### **National Planning Guidance**

### **Blaby District Local Plan (Core Strategy) Development Plan Document (2013)**

Policy CS1 – Strategy for Locating New Development  
Policy CS2 – Design of New Development  
Policy CS5 – Housing Distribution  
Policy CS10 – Transport Infrastructure  
Policy CS19 – Bio-diversity and geo-diversity  
Policy CS21 – Climate Change  
Policy CS22 – Flood Risk Management  
Policy CS24 – Presumption in Favour of Sustainable Development

### **Blaby District Local Plan (Delivery) Development Plan Document (2019)**

Policy DM1 – Development within the Settlement Boundaries  
Policy DM8 – Local Parking and Highway Design Standards

### **Leicester Forest East Neighbourhood Plan Submission Version (January 2020)**

Policy H3 – Housing Mix  
Policy H6 – Housing Design

## **Consultation responses**

*(On original scheme):*

**Blaby District Council, Environmental Services** - No objection but makes comments in respect of flood risk, contamination risk, drainage, noise and vibration, and construction disturbances. Drainage and construction management plan conditions recommended.

**Blaby District Council, Neighbourhood Services** – This is a private drive and under the new guidance we would object, however, we already enter this drive under the old guidance. Neighbourhood Services do not have any objections to this application from a bin collection perspective providing that the bin presentation/collection point is within our new current guidance.

**Leicester Forest East Parish Council** – No comments received.

**Leicestershire County Council, Ecology** – The ecology survey is satisfactory and no evidence of protected species was recorded and the site consists of managed garden areas. No further work is required. Recommend that the bat mitigation and

enhancement recommendations in the report are made a condition of the development.

**Leicestershire County Council, Forestry** – The tree survey and arboricultural method statement is in accordance with BS5837:2012 and provides a fair assessment of trees present on site which are mostly common species typical of a residential garden setting. The majority of trees are categorised as ‘C’ (trees of low quality). A total of five trees identified in the higher ‘B’ category (T1, T16, T17 & T18) and one ‘C’ category tree (T24) are located outside of the proposed development and are identified for appropriate protection methodologies including protective fencing and ground protection within the RPA. In total the development would result in the removal of 23 trees/tree groups and whilst not individually of high arboricultural merit, may raise concerns of loss of screening. There would also appear to be little mitigation planting proposed with most of the site taken up with hard standing and buildings.

**Leicestershire County Council, Highways** - No objections. Considers that the impacts of the development on highway safety would not be unacceptable and, when considered cumulatively with other developments, the impacts on the road network would not be severe. Whilst the internal garage dimensions are substandard the parking spaces provided are in accordance with the minimum provision set out in Leicestershire Highways Design Guide (LHDG). The proposals have been considered against Policy IN5 of the LHDG and the LHA is satisfied that given the circumstances surrounding the site access for the proposed development, the relatively low number of trips generated by the proposed development and that the fact that there are no previous cases of Personal Injury Collisions (PICs) at the junction of Elliott Drive and Hinckley Road, it cannot be demonstrated that the impact of the proposed development would be severe.

*On revised schemes (amendments to site layout, submission of Construction Management Plan and revisions to Arboricultural Method Statement)*

**Blaby District Council, Environmental Services** – Satisfied that the information in the submitted Construction and Environmental Management Plan (CEMP) report is sufficient for mitigating or minimising the potential for disturbances to the neighbouring properties in terms of dust, noise and vibration during the construction phase. The CEMP also address other issues such as parking provision, loading and unloading of vehicles, site compound locations, hours of operation and measures to control environmental emissions. No adverse comments to make provided that the CEMP is fully implemented during the construction phase.

**Leicester Forest East Parish Council** – Leicester Forest East Parish Council would like to second the issues raised by residents in relation to 21/1170/FUL.

**Leicestershire County Council, Forestry** – The revised plans have moved the western property closer to T1 (mature weeping willow) which is in 3rd party ownership. Whilst the Arboricultural Impact Assessment (AIA)/Method Statement indicates the incursion into the RPA of T1 is within potential tolerances, root damage and severance will be inevitable to establish foundations within the Root Protection Area (RPA). There are also concerns about the proximity of the dwelling next to T1, which is a large mature tree and that the development may give rise to conflict and complaint in relation

to the proposed dwellings and the potential overbearing nature of the tree, tree debris, shading and low branches. Ideally the design would be amended to reduce the potential impact of the development on T1.

On receipt of revised Arboricultural Method Statement proposing pile and concrete pad construction, the Tree Officer comments that the calculations show that the footprint of the building will have a limited impact within around 10% of the root protection area (RPA) which is less than the recommended 20%. In addition to this the proposed utilisation of screw piles and concrete pad construction methodology should further work to limit the impact on T1. Construction of paved areas should also be limited to hand dig and hand construction techniques. Assuming the use of screw pile construction methodology as set out in the BS5837 report, LCC Forestry have no further objections to the proposals.

**Leicestershire County Council, Highways** – The LHA notes the revised site plan which has increased integral garage sizes and repositioned plots to allow a larger turning area and visitor parking space. Amendments may result in one of the spaces for plot 3 becoming unusable should a car be parked in the other space. Parking space size is also substandard in accordance with minimum dimensions in LHDG. Notwithstanding this, the LHA is satisfied that the proposed development is located approximately 200m from the highway boundary and would not result in any overspill parking on the existing highway network and that there is sufficient on-site parking and turning provision. Further revisions do not have a material impact compared to previous layout and LPA should refer to previous comments.

## **Representations**

*(On original scheme):*

12 letters of representation were received with the following material planning issues raised:

- Will cause further parking problems;
- Building next to elderly neighbours is not fair;
- Construction will cause significant disruption to all who already live on Elliott Drive and Pine View;
- Roads do not have pavements and will be increasingly more dangerous to go out to the street/walk to the shops/go to school with numerous lorries causing obstruction, stress and noise;
- Construction vehicles will cause further damage to already potholed private road;
- Overcrowding the street;
- Removal of trees would reduce biodiversity of area and bring down visual appeal;
- Low maintenance fence/wall needed between site and outbuilding;
- Impact on peace and quiet of garden and area;
- No justification for further housing development with new housing at Lubbesthorpe, Kirby Muxloe/Ratby border and Glenfield;
- Destruction of habitat for local birds and other wildlife;

- Reduction of privacy for neighbouring properties;
- Same plot refused at appeal under application 16/1671/OUT but this time there are 3 properties instead of 2 and accessed from a smaller drive making proposal less viable than refused option;
- Road is too narrow to allow vehicles to pass and no footways or lighting;
- Additional traffic;
- Already drainage problems with existing sewers and extra houses will cause further problems;
- How do emergency vehicles access existing properties if this goes ahead;
- Surface water will flow off new road/drives onto neighbouring properties;

### On revised scheme

11 letters of representation were received with the following material planning issues raised:

- Large amount of disruption;
- Road cannot cope with more traffic and waterworks;
- Hedgerow in site bordering my property is sparse and poorly maintained. Can proposal include a high fence between the new build and my property to protect privacy.
- No timescale for how long road would be closed for during construction;
- Hours of working unclear;
- Damage to road and footpath caused by heavy lorries during build;
- Object to location of canteen on grounds of noise, disturbance and loss of privacy
- T24 (plum tree) is on my property and no consent is given for any pruning works;
- 8am – 5pm working hours should apply to weekdays and Saturdays
- Will road be swept by hand or by specialist vehicle?;
- Problems of parking during construction;
- Object to unloading of brick and blocks onto footpath;
- Concern about access for carers during construction;
- Elliott Drive cannot accommodate any more parked vehicles;
- Support application as it will give other people a home in this area.
- Noise will cause stress and dust/dirt will have a detrimental impact on health;
- Ambulances and carers will be unable to gain access or park;
- No streetlighting or paths and will be dangerous to walk down the road with more cars coming out of the site;
- Increased surface water flooding;
- Drains already repeatedly block;
- New residents will not use small turning area;
- Nothing to replace greenery and wildlife habitat
- Residents do not give permission for Newbuild Homes to gain site access via Elliott Drive
- Loss of trees will hugely affect the local wildlife and ecology

## **Relevant History**

16/1671/OUT

Erection of 2 dwellings (outline)

Refused 22.02.2017  
Appeal dismissed  
03.10.2017

## **EXPLANATORY NOTE**

### **The Site**

The site comprises part of the rear garden areas to nos. 17, 19 and 21 Hinckley Road within Leicester Forest East and extends to approximately 0.09ha. Within the site are numerous trees, boundary hedges and some garden structures including fencing and a timber shelter. To the east, south and west the site is adjoined by other gardens serving the properties on Hinckley Road. Part of the northern boundary of the site abuts the rear garden boundaries of 12 and 14 Ratby Road and is separated from these by a hedgerow. The remaining section of the northern (front) boundary faces onto a narrow spur of Elliott Drive that presently provides access to 5 bungalows and a two-storey house. Elliott Drive is a private road accessed from Hinckley Road and serves a total of 31 dwellings. The surrounding area is predominantly residential in character with a mix of property ages and styles.

### **The Proposal**

The application proposes the erection of 3no. 2-bedroom bungalows with access from Elliot Drive. During the course of the application the proposals have been revised to site the bungalows further southwards (back) into the site so as to provide an area for turning to the front of the proposed properties in order to avoid the need for residents and visitors to reverse down the 'spur' section of Elliot Drive, which does not contain footways.

Plots 1 and 2 are semi-detached bungalows comprising 2 bedrooms, shower room, kitchen/diner, living room and integral garage. Their design features projecting front gables and recessed garages with a maximum height of approximately 5m above ground level. Plot 3 is of a similar design and contains the same accommodation but is a detached bungalow. Each of the properties has a private rear garden space and two car parking spaces (one of these within the integral garage space for plots 1 and 2). A visitor space is also provided to the front of plot 1. A bin collection point is provided at the entrance to the site.

### **Planning Considerations**

Section 38(6) of the Town and Country Planning Act 1990 requires planning applications to be determined in accordance with the provisions of the Development Plan unless there are other material considerations which indicate otherwise. This section of the report will first consider the proposed development against the policy background and then consider any other material considerations.



## **National Planning Policy Framework**

The National Policy Framework establishes the key principles for pro-actively delivering sustainable development through the development plan system and the determination of planning applications. The emphasis is that development plans allow for development of sufficient housing in sustainable locations and that new development is of good design.

It also sets out the planning approach that the Government wishes to see in relation to many aspects of the planning system, including housing delivery - with the golden thread running through the decision making process being the presumption in favour of sustainable development.

It suggests that in decision-taking, this means approving development proposals that accord with the development plan without delay; and, where the development plan is absent, silent or relevant policies are out of date, to grant permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole; or
- Specific policies in the NPPF indicate development should be restricted.

## **DEVELOPMENT PLAN**

### **Blaby District Local Plan (Core Strategy) Development Plan Document (2013)**

The adopted Core Strategy (February 2013) is part of the Development Plan for the District of Blaby. It is an up-to-date plan that is consistent with National Policy. Therefore, the policies of the Core Strategy should be given full statutory weight. The following policies are the most relevant to the proposed development:

#### **Policy CS1 – Strategy for Locating New Development**

Policy CS1 seeks to focus most new development in the District of Blaby, including infrastructure, services and facilities, within and adjoining the Principal Urban Area (PUA) of Leicester. In the non-PUA, development should be focused within and adjoining Blaby and the 'Larger Central Villages'. Policy CS1 defines the 'built up' areas of Leicester Forest East, where the application site is located, as falling within PUA and so the location is considered an appropriate one for new housing development that is consistent with the spatial strategy.

#### **Policy CS2 – Design of New Development**

Seeks to ensure that a high quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. The design of new development should also be appropriate to this context.

### Policy CS5 – Housing Distribution

Policy CS5 sets out a minimum housing requirement of 5,750 dwellings to be delivered in the PUA within the Local Plan period (2006 to 2029), including 4,250 at Lubbesthorpe SUE. As of 31 March 2021, 2,122 dwellings had been completed in the PUA with a further 4,956 dwellings committed via planning permissions or development plan allocations, giving an overall total of 7,078 new dwellings. Notwithstanding this total (which exceeds the minimum housing requirement), the Housing Land Supply Trajectory indicates that not all the required 5,750 PUA dwellings will be delivered within the plan period. A small, deliverable site would therefore make a modest contribution towards the shortfall.

### Policy CS10 – Transport Infrastructure

Policy CS10 seeks to ensure that appropriate measures are taken to mitigate the impacts of the development and ensure that it is adequately supported by the provision of adequate infrastructure and does not overburden existing infrastructure. It indicates that the preferred approach is to seek to reduce the need to travel by private car by locating new development so that people can access services and facilities easily. It states that the Council will be flexible in the implementation of residential parking standards, indicating that the number of spaces required will depend on the type of property and whether developments have genuine access to good public transport and/or services and facilities. Leicester Forest East has a number of services and facilities, including public transport that would be accessible to the application site.

### Policy CS19 – Bio-diversity and Geo-diversity

Policy CS19 indicates that important areas of the District's natural environment, landscape and geology will be protected and enhanced, where appropriate, and seeks to maintain and extend natural habitats where appropriate. No habitats of note have been recorded on the site and there is no evidence of protected species.

### Policy CS21 – Climate Change

Policy CS21 states that development should be focused in the most sustainable locations and layout and design should reduce energy demand and increase efficiency. It also seeks to encourage the use of renewable, low carbon and decentralised energy and states that renewable and low carbon energy generation will be supported within the District providing the proposal accords with the conditions outlined in the policy.

### Policy CS22 – Flood Risk Management

Policy CS22 sets out strategic objectives to ensure that all new development minimises vulnerability and provides resilience to flooding.

### Policy CS24 – Presumption in Favour of Sustainable Development

Policy CS24 indicates that when considering development proposals Blaby District Council will take a positive approach that reflects the presumption in favour of sustainable development.

### **Blaby District Local Plan (Delivery) Development Plan Document (2019)**

#### Policy DM1 – Development within the Settlement Boundaries

Policy DM1 states that within the Settlement Boundaries, as set out on the Policies Map, development proposals consistent with other Policies of the Local Plan will be supported where certain criteria are met. These criteria relate to the development being in keeping with the appearance and character of the existing landscape, development form and buildings, the development providing a satisfactory relationship with nearby uses, the development not resulting in overdevelopment of the site, having a satisfactory layout, design and external appearance, and not prejudicing the comprehensive development of the wider area.

#### Policy DM8 – Local Parking and Highway Design Standards

Policy DM8 seeks to provide an appropriate level of parking and servicing provision within all forms of development, as set out in the Leicestershire Local Highway Guidance. It also requires development to meet highway design standards as set out in the Leicestershire Local Highway Guidance.

### **EMERGING POLICY**

#### **Leicester Forest East Neighbourhood Plan Submission Version (January 2020)**

The Decision Statement for the LFE Neighbourhood Plan was issued on 13 May, stating that the Plan, incorporating the modifications recommended by the Examiner, is to proceed to referendum on 30 June 2022. In accordance with Planning Practice Guidance (Paragraph: 107 Reference ID: 41-107-20200925 revised 25 September 2020) the Plan should be given significant weight in decision-making, so far as the Plan is material to the application.

#### Policy H3 – Housing Mix (as modified in accordance with the Examiner's recommendations)

Policy H3 states that proposals for new housing must demonstrate how they provide dwellings with 1, 2 or 3 bedrooms; or homes suitable for older people, including 2 or 3 bedroom bungalows, unless the latest assessment of local housing needs indicates otherwise. The proposal is for 3no. 2-bedroom bungalows which would be consistent with the required housing mix.

## Policy H6 – Housing Design (as modified in accordance with the Examiner’s recommendations)

Policy H6 seeks to support housing developments that are of a size, scale and massing that is sympathetic to the surroundings. Design and materials should enhance the character of the local area and landscaping should be included to ensure development integrates with the surroundings.

### **Material Considerations**

Planning applications must be determined in accordance with the provisions of the Development Plan unless there are material considerations which indicate otherwise, and whether those material considerations are of such weight that the adopted policies of the Development Plan should not prevail in relation to any proposal.

The following are considered to be material considerations in the determination of the proposal:

- The principle of the development;
- The impact on the character and appearance of the area;
- Housing mix
- The impact on the amenity of neighbouring residential properties and future occupiers;
- The impact on the highway
- Impact on trees
- Other matters

### The principle of the development

The application site is located within Leicester Forest East which forms part of the Principal Urban Area identified in policy CS1 of the Core Strategy and a location prioritised for new development. The site is within 400m walking distance of a bus stop, a convenience store and post office on Hinckley Road with a pedestrian crossing point to facilitate access. In the wider area, Leicester Forest east benefits from a wide range of services and facilities, including schools, shops and primary health care provision and has a good functional relationship with Leicester, with frequent and direct public transport services, including the nearby Meynells Gorse Park and Ride. It is therefore considered to be a sustainable location and residential development would be consistent with the spatial strategy.

Whilst the Council’s residential land availability document indicates a total of 7,078 dwellings either completed or committed in the PUA at 31<sup>st</sup> March 2021, (exceeding the minimum 5,750 new dwellings set out in Policy CS5 Housing Distribution), it is shown in the housing trajectory that the PUA requirement will not be delivered within the plan period. This small windfall site for housing in a sustainable location would make a modest contribution to reducing the PUA underprovision. The principle of the development in this case is therefore considered acceptable and would accord with Policies CS1 and CS5 of the Core Strategy.

## The impact on the character and appearance of the area

Elliot Drive is characterised by modern, detached two storey and single storey residential properties arranged in a cul-de-sac layout with properties facing onto the road/access drives with private rear gardens. The frontages to the properties are generally open and not defined by any boundary treatment with 'on-plot' parking provided. There is some variety in the detailed design of the properties, but there is consistency of scale, height and massing, dependent on whether the dwelling is two storey or a bungalow.

The proposed development would feature three bungalows arranged as a pair of semi-detached properties and a single detached bungalow. They would be accessed via an extension of Elliot Drive and would face onto this newly created section of driveway. Whilst situated to the rear of the properties fronting Hinckley Road, this is not considered to create an unacceptable form of development given the new properties' relationship to Elliot Drive. There is also a detached dwelling (no.14) facing onto the southern side of this section of Elliot Drive which would be replicated by the development proposal. The overall site layout is considered to respect the prevailing pattern of development and would be sympathetic to the surroundings.

It is recognised that outline planning permission has previously been refused (and dismissed at appeal) for residential development of this site under reference 16/1671/OUT. However, it is considered that the circumstances of this application are materially different. Though all matters were reserved, the appeal scheme indicated access from Hinckley Road between nos. 21 and 23 Hinckley Road which was considered to cause noise and disturbance, particularly to the rear garden areas of these properties. The access was also deemed to be of inadequate width to serve the development. The appeal was dismissed on these grounds only. In relation to impact on character and appearance, the Inspector did not consider that the residential development of the site would harm the locality, subject to the submission of reserved matters.

With regard to detailed design, the proposed dwellings are of modest (5m) single storey height with prominent gable features on the front elevations. In these respects, they are similar in scale and design to other bungalows on Elliot Drive. Materials indicated on the application are brick and tile which mirrors the construction of other houses the locality. The design of the proposed bungalows is considered appropriate to their context.

Numerous garden trees on the site will be removed as part of the development which will alter the appearance of the site, however, these trees are not considered to be so significant in the locality that their loss would result in harm to the character and appearance of the area. Scope for substantial new tree planting within the site is limited, however, a landscaping condition is recommended and the hedgerow along the northern (front) boundary of the site is to be retained except at the point of access. These matters can be appropriately secured by condition. Detailed consideration is given to the impact on trees later in this report.

Having regard to the location of the site and its surroundings, the site layout and the design of the proposed dwellings, the proposals are considered to have an acceptable impact on the character and appearance of the area and accord with Policy CS2 of the Blaby Local Plan Core Strategy and Policy DM1 of the Blaby Local Plan Delivery DPD in relation to the impact on the character and appearance of the area.

### Housing mix

As a small site providing below 10 houses, the requirement to provide an appropriate housing mix as required by Core Strategy Policy CS8 is not triggered. Nonetheless, the emerging Leicester Forest East Neighbourhood Plan (Submission Version, as modified) contains policy H3 which encourages provision of 2- and 3-bedroom bungalows suitable for older people. The Plan can be given significant weight given that it is at an advanced stage of production and the compliance of the development with this policy is an element that weighs in the development's favour.

### The impact on the amenity of neighbouring residential properties and future occupiers

#### *Existing residents*

The application site is formed by the amalgamated rear garden areas of nos. 17, 19 and 21 Hinckley Road. The closest rear-to-rear separation distance between the proposals and existing dwellings is between Plot 2 and 19 Hinckley Road where approximately 24 metres separation is achieved. Distances between Plot 1 and 21 Hinckley Road and Plot 3 and no.17 Hinckley Road exceed this. These separation distances are considered acceptable to protect residents from any overlooking or loss of privacy. Nos. 17, 19 and 21 Hinckley Road will retain minimum garden lengths of 18 metres which is satisfactory.

Adjoining the site's western boundary is the garden area of no.23 Hinckley Road. The rear elevation of Plot 1 which is sited nearest to this neighbour is approximately 24 metres from the rear of no.23 Hinckley Road and the new bungalow is also positioned at an oblique angle to the existing property. This relationship is therefore considered to be acceptable in terms of protecting amenities. Plot 1 does have a kitchen window in the side elevation facing onto the garden of no.23 Hinckley Road, however, this is intended to be screened by fencing as indicated on the boundary treatment plan. Given there is not a significant difference in levels between the application site and no.23's garden and the distance from the house itself, the location of the side kitchen window is not considered to result in harmful overlooking. Plot 1 will also be sited close to the boundary with no.23 Hinckley Road's garden, having a continuous length of 10 metres along its nearest elevation. However, the proposed bungalow has a modest height of 5m and eaves height of 2.5m and in the context of the overall length of no. 23 Hinckley Road's rear garden (circa 56 metres) this is not considered to result in an overbearing impact or significant overshadowing effect.

Plot 3 is sited adjacent to the rear garden area of no.15 Hinckley Road and alongside a large outbuilding in the garden of this neighbouring property. There is a separation distance of circa 23 metres between the principal rear elevation of 15 Hinckley Road

and the rear of Plot 3, which is also positioned at an angle to no.15 Hinckley Road. This relationship is adequate to ensure that amenities of no.15 Hinckley Road are not adversely affected by the development. There are no windows proposed in the side elevation of Plot 3 and, as before, the modest height of the bungalow is not considered to give rise to any overbearing impact or significant overshadowing effect on no.15 Hinckley Road's garden.

The proposed new bungalows will face onto nos. 18 and 19 Elliott Drive and the bottom of the garden serving no.14 Ratby Lane. In relation to the latter neighbour, the existing hedgerow between the site and no.14 Ratby Lane's garden is to be retained as part of the proposals, as indicated on the boundary treatment plan. As the proposed properties are single storey, this will provide an effective screen to the development and there will be no detrimental impact on no.14 Ratby Lane in terms of privacy. Retention of the hedgerow and its maintenance at 2m can be secured by condition to ensure that this remains the case.

Plot 2 will face onto no.18 Elliott Drive, which is also a bungalow of similar scale to the proposal. The separation distance between these two properties is 11 metres at its closest point, however, as no.18 Elliott Drive is angled away from Plot 2, direct overlooking between principal front elevation windows will not occur. No.18 Elliott Drive is also at an angle to Plot 1 and approximately 19m away at its nearest point. As discussed above, the hedgerow across the northern (front) boundary of the site is to be retained which will provide screening between no.18 Elliott Drive and Plot 1 and 2. Overall, no.18 Elliott Drive is not considered to be adversely affected in terms of impact on residential amenities by the siting of the proposed bungalows.

No.19 Elliott Drive is between 20 and 22 metres from Plots 2 and 1 respectively and this separate distance is considered adequate and will ensure satisfactory levels of amenity.

There will be a degree of increased disturbance to the residents of this section of Elliott Drive caused by additional vehicle movements generated by the development. The residential vehicle movements associated with the 3 proposed dwellings are not considered to be unacceptably excessive in a residential area and their impact is not considered to have detrimental impact in terms of noise and disturbance. Unlike the development refused under application 16/1671/OUT, these vehicle movements will take place at the front of properties along a section of existing private road, as opposed to alongside the rear of houses.

Considerable concern has been raised in representations about the impact of construction noise, dust and disturbance on amenities and issues of maintaining access to property whilst building works take place. It is unavoidable that development will generate some disruption during construction, including periods when vehicular access cannot be obtained when services are connected. However, general noise and disturbance associated with development is not material to the consideration of the application and is dealt with under non-planning legislation, notably the Control of Pollution Act 1974.

Given the relatively narrow nature of this part of Elliott Drive, managing the development in the interests of residential amenities is considered material. The

applicant has submitted a Construction and Environmental Management Plan (CEMP) as part of the application. This details how the site is proposed to be managed and the measures that will be put in place to ensure that the construction process is not unduly disruptive. Environmental Services have been consulted and are satisfied with the proposals as set out in the CEMP. It is considered reasonable to require development to proceed in accordance with the CEMP by condition.

### *Future residents*

The standard of living and amenities to be enjoyed by future residents of the proposed bungalows has also been considered. Each property would have a rear garden area generally around 6m in length. Whilst this is relatively short, the 10m width of the plots ensures that each dwelling will have a rear private garden area of a minimum of 60m<sup>2</sup>. Whilst the District Planning Authority does not have a policy or guidance in respect of garden size, this area is considered more than adequate for a 2-bedroom bungalow.

The District Planning Authority has not incorporated the government's 'Nationally Described Space Standards' as part of adopted policy. Notwithstanding this, they provide a benchmark against which to assess whether development proposals provide satisfactory living standards. Plots 1 and 2 have a floorspace of 82m<sup>2</sup> and Plot 3 has a total floorspace of 68m<sup>2</sup>, both of which exceed the standard's minimum floorspace requirement for a 2-bedroom, 3-person single storey dwelling of 61m<sup>2</sup>. The proposed bedroom sizes are also consistent with the standard.

The relationship between the 3 proposed bungalows is acceptable and the properties have been designed in such a way to ensure that there is no overlooking or loss of light impacts between the properties.

Overall the proposed development is not considered to have a significantly adverse impact on the amenities of occupiers of neighbouring residential properties and would provide satisfactory amenities and standard of living to future occupiers of the development. In these respects the proposal is compliant with relevant policy DM1 in the Blaby District Local Plan Delivery DPD.

### The impact on the highway

The proposed development is located off Elliott Drive, which is an unadopted private road serving 31 dwellings. Access is proposed from an existing private drive which has an approximate width of 5 metres.

As the proposals would be likely to result in an increase in vehicle trips associated with the site during highway peak hours, the Local Highway Authority (LHA) has considered the proposals against Policy IN5 in the Leicestershire Highways Design Guide (LHDG). This policy states that restrictions will normally be applied to new accesses for vehicles and the increased use of existing accesses onto, inter alia, road with a speed limit above 40mph.

Hinckley Road has a speed limit of 40mph, however, the LHA has reviewed the access and its database and notes that a recent survey recorded 85<sup>th</sup> percentile speeds of 31 mph. Furthermore, development traffic will meet the public highway network at the



existing junction of Elliott Drive and Hinckley Road and the site access does not take direct access from a new or existing driveway onto the A47. Elliott Drive has a 5.5m wide carriageway with 6m junction radii and 1.8m footways on either side. In addition, the LHA also notes that there are no recorded personal injury collisions at the junction.

Accordingly, the LHA has advised that the given the site access, the relatively low number of trips generated and the fact that there are no recorded personal injury collisions at the junction of Elliott Drive and Hinckley Road, the impacts on highway safety would not be unacceptable and, when considered cumulatively with other developments, the impacts on the road network would not be severe.

In respect of the site's internal layout, the LHA commented that the integral garages on the originally submitted plans were substandard when assessed against the LHDG minimum dimensions. The proposed parking spaces of 2.4 metres by 5 metres were also slightly below the LHDG minimum requirements. Notwithstanding this, the LHA did not raise any objection as the parking provision is located approximately 200 metres from the highway boundary and would not therefore result in any overspill car parking on the highway network.

Whilst not a requirement of the LHA, the scheme has been revised to increase the size of the turning area within the development to enable a long wheel base delivery van to turn and to make turning manoeuvres easier for residents and visitors, reducing the likelihood of vehicles reversing down this section of Elliott Drive. This was considered to be important as a vehicle reversing out of the site would not be able to see a vehicle travelling on Elliott Drive towards the site due to the position of the site access drive relative to the existing private drive. The revisions also amended the garage sizes to meet LHDG minimum dimensions of 3m x 6m, slightly repositioned the parking spaces for Plot 3 and provided a visitor parking space. The LHA were consulted on these revisions and did not raise any new material issues.

Conditions are recommended regarding parking provision being implemented, which can be reasonably imposed. Overall, the proposal is not considered to have an adverse impact on highway safety and the impact on the road network would not be severe, and the proposal would accord with Policy DM8 of the Delivery DPD and the LHDG.

### Impact on trees

The application is supported by a tree survey and arboricultural method statement prepared in accordance with BS5837:2012. The survey identifies that the trees present on site are mostly common species typical of a residential garden setting. The majority of trees/groups of trees are categorised as 'C' (trees of low quality) with four trees categorised as 'U' (should be removed for sound arboricultural management). These lower category trees/groups of trees, which includes the current boundary hedgerows separating the individual gardens, are to be removed to facilitate the development. In total the development would result in the removal of 21 trees/tree groups (T6, a Leyland cypress outside of the site has already been removed). The Leicestershire County Council Forestry Officer has commented on the proposals and notes that whilst not individually of high arboricultural merit, they would result in some screening with limited scope for mitigation planting.

A total of five trees identified in the higher 'B' category (T1, T16, T17 & T18) and two 'C' category trees (T8 and T24) are located outside of the proposed development and The Forestry Officer has advised in response to the originally submitted scheme that these trees are identified for appropriate protection methodologies including protective fencing and ground protection within the root protection area (RPA).

Revisions to the proposal, however, have resulted in Plot 1 encroaching further into the RPA of T1, a large, mature Willow Tree in the garden of 23 Hinckley Road. This tree is visible from Hinckley Road, between gaps in the Hinckley Road housing and from Elliott Drive, although as a rear garden tree it is not particularly prominent in the streetscene. Notwithstanding the fact that the tree is outside the site and therefore is not proposed to be removed, a TEMPO assessment of the tree has been undertaken in conjunction with the Forestry Officer to establish if the tree should be protected with a Tree Preservation Order (TPO). The scoring did not place the tree in the 'definitely merits a TPO' category but within the 'TPO defensible' category where protection is a matter of judgement. In this case, whilst the tree is mature it is not highly visible, of particularly good form or an unusual specimen. On balance, it was not considered that its public amenity value was sufficient to warrant protection by TPO.

The impact of the development on the tree, however, remains material to the consideration of the application and further revisions have been made to the Arboricultural Method Statement to ensure that the impact upon the root system of T1 is minimised in order to avoid adversely affected the tree's health. A screw pile and concrete pad construction is now proposed for the foundations for Plot 1. This is an above ground foundation construction method that will minimise impact upon the roots T1.

In response to the proposed revised construction method, the Forestry Officer has advised that this is acceptable and has recommended conditions in respect of adhering to the proposed construction methodology and use of hand dig and hand construction techniques, together with requirements for protective fencing and supervision by an arboricultural consultant whilst works take place in the RPA.

### Other matters

The application has been supported by an Ecological Appraisal. The Leicestershire County Council Ecology team has been consulted on the application and advise that the report is satisfactory and that no evidence of protected species was found. They recommend that the bat and enhancement measures incorporated within the report are imposed as a condition on any consent.

The site lies within Air Quality Management Area (AQMA) 3, however, Environmental Services have advised that due to the scale of the development it is unlikely to have any impact on the AQMA and further work is not required.

The development site is located in Flood Zone 1 and as such is not in an area which is considered to be at high risk of flooding and would not increase flood risk elsewhere. The application indicates that the development would connect to the existing foul and surface water drainage systems, with surface water attenuated to a 2l/s discharge rate.

Whilst a concerns have been raised by residents about the development exacerbating existing drainage problems, correspondence from Severn Trent water submitted with the application confirms that as ground conditions are not suitable for the use of soakaways, surface water discharge to the sewer at the proposed rate will be acceptable. They also confirm that a gravity foul discharge can be accommodated in the nearest public foul sewer.

A bin collection point and storage area is located close to the entrance into the site. Neighbourhood Services has advised that the refuse collection teams already enter this section of Elliott Drive and are therefore under historic guidelines, they will collect waste from the site entrance. Carry distances between bin storage areas and the collection point comply with the most recent guidance which states that this distance should not exceed 25m.

## **Conclusion**

The application site is located within the built-up area of Leicester Forest East within the PUA where Development Plan Policy CS1 seeks to focus the majority of new development. The site is sustainably located and accessible to key services and facilities, including public transport. The proposal would make a modest contribution towards housing supply in the PUA and is therefore considered to be in accordance with the spatial strategy and housing polices of the Development Plan.

Consideration has been given to the impact of the proposed development on the character and appearance of the area. The site layout and relationship to the surroundings is considered to be acceptable and the design of the proposed dwellings are sympathetic in the scale and appearance to nearby properties on Elliott Drive. Furthermore, the development can be carried out without adversely impact on the residential amenities of existing residents and future residents of the site will enjoy satisfactory living conditions.

Suitable access and parking can be achieved on the site and the Local Highway Authority has not raised objections to the proposal in terms of trip generation or impact upon the local highway network. Whilst the proposal will result in the loss of trees on the site, these are most of low arboricultural merit. The application proposes suitable protection measures to ensure that the impact upon Category B trees outside of the site are minimised. These measures can be suitably secured by condition.

It is considered that the proposed development fully accords with the relevant policies of the Development Plan. There are no other material considerations that would indicate that the policies of the Development Plan should not be followed and approval is therefore recommended, subject to conditions as set out at the beginning of this report.

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