

**Planning Committee 28 August 2018
Report of the Interim Head of Planning**

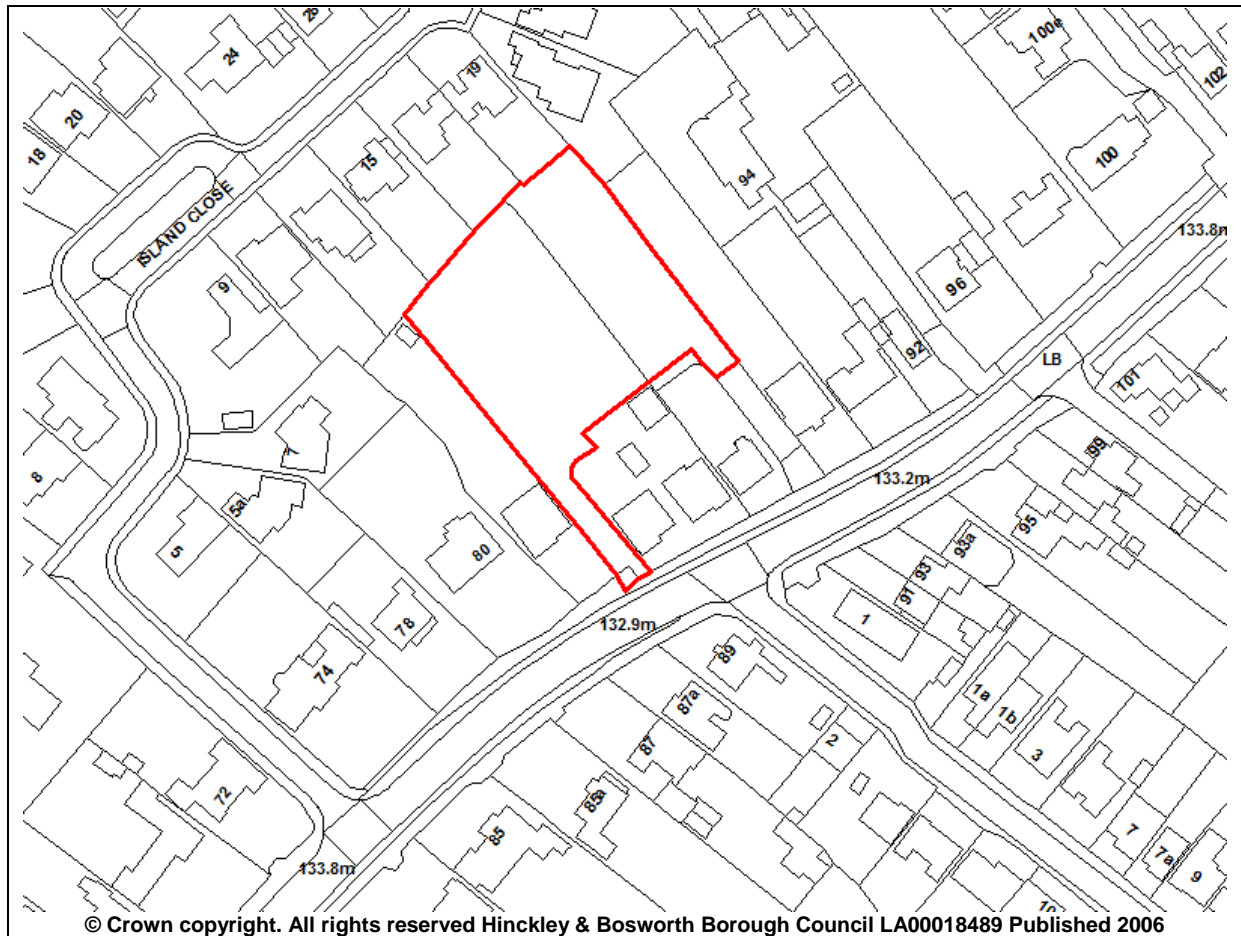


Hinckley & Bosworth
Borough Council

Planning Ref: 17/01297/FUL
Applicant: Mr Paul Morris
Ward: Hinckley DeMontfort

Site: 84 Leicester Road Hinckley

Proposal: Erection of seven dwellings, garages and associated drive
(resubmission of application 17/00096/FUL)



1. This application was taken to Planning Committee on the 5 June 2018. Notwithstanding the officer's recommendation that permission be granted, members deferred a decision to Planning Committee and were minded to refuse the application. The applicant does not propose to revise the scheme following the last committee, and therefore no amendments or revisions to the application have been submitted for consideration. However since June committee a new National Planning Policy Framework (2018) has been published, and therefore regard must be had to new NPPF. The Local Planning Authority also consider that the proposed development would be subject to Section 106 contributions toward Play and Open Space, each of which will be assessed below.

Assessment

2. Paragraph 8.2 of the original report - substitute reference to paragraphs 11 and 13 of the NPPF (2012) with reference to paragraph 2 of the NPPF (2018).
3. Paragraph 8.6 of the original report – substitute with, Following publication of the Inspectors appeal decision on 'Land east of The Common, Barwell' (reference APP/K2420/W/17/3188948) on 23 July 2018, the Council is currently able to demonstrate a 5.5 years housing land supply. However, the development plan policies relating to the supply of housing are now considered to be out-of-date and therefore the presumption in favour of sustainable development within paragraph 11 of the NPPF (2018) is triggered.
4. Additional paragraph:

The proposal has been considered and re-assessed against the overarching principles contained within the new National Planning Policy Framework (2018) and it is considered that the relevant paragraphs are not significantly different to the relevant sections of the 2012 Framework and therefore does not alter the original assessment conclusions. The application is situated within the settlement boundary of Hinckley, and therefore residential development would be in accordance with the adopted strategic policies of the development plan.

Developer contributions

5. Paragraph: 031 Reference ID: 23b-031-20160519 of the Planning Practice Guidance, which is a material consideration, notes that tariff style planning obligations cannot be sought for developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1000sqm. Whilst the development does not exceed the number of 10 dwellings the total gross floorspace of the development would measure approximately 1167.04 square metres and therefore would be subject to Section 106 obligations.
6. Core Strategy Policy 1 states that new development should address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Hinckley. New green space should meet the standards in Policy 19 of the Core Strategy. Policy 19 sets out standards to be used to determine what improvements are required to existing facilities, and what new provision is required for new development. Policy DM3 of the SADMP expects developers to make provision, directly or indirectly, where development creates a need for additional or improved infrastructure, amenities or facilities.
7. The proposal will need to provide green space and play provision using the quantity standards outlined in Core Strategy 19. The overall provision is dependant upon the number of dwellings to be provided on site. To ensure that the development is in accordance with Policy 19 of the Core Strategy if the full on-site green space and play provision is not provided contributions towards the off-site provision and maintenance of open space will be requested through a Section 106 legal agreement. For clarity, the quantity required is broken down per dwelling and the provision and maintenance figures per square metre. The contributions sought will therefore be based upon the table below:

	Provision per dwelling (Based upon 2.4 people per dwelling taken from the Census)	Off site provision per square metre	Maintenance contribution per square metre (10 Year Maintenance)
Equipped Children Play Space	3.6sqm	£181.93	£87.80
Casual/Informal Play Spaces	16.8sqm	£4.44	£5.40
Outdoor Sports Provision	38.4sqm	£9.05	£4.30
Accessibility Natural Green Space	40spm	£4.09	£7.10

8. The application site is located within 300 metres of Ribblesdale Avenue, Amenity space which is an Amenity Green Space. The quality score for Ribblesdale Avenue is 65% within the Open Space and Recreation Study 2016, which is below the 80% quality target score. It is considered that the future occupiers would use the facilities of this site. Core Strategy 19 and the open space recreation study seeks that provision for children should be within a catchment area of 400 metres and Provision for young people within a catchment of 500 metres from the application site. However all equipped children's play spaces and formal outdoor sports provision within the vicinity of the application site are in excess of 700 metres and therefore it can not be reasonably assumed this development would have a direct impact on a specific play and open space provision. Therefore it would not be reasonable to request contributions towards equipped casual and formal play provision, however it would be reasonable that future occupiers of the proposed development would access the local amenity space at Ribblesdale, and as such the contributions can only be requested towards this space. The requested contribution towards local amenity space is £3,133.20, broken down into £1,145.20 for provision and £1988.00 towards the maintenance. It is considered reasonable in mitigating the impact of the proposed development upon the existing facilities and/or maintaining the green space and play provision provided at Ribblesdale Avenue amenity space. Subject to the signing of a Section 106 legal agreement which includes the prevailing contributions, as currently indicated above, the application is considered in accordance with Policy 19 of the Core Strategy.
9. Leicestershire County Council have not requested any developer contributions from the development.
10. The recommendations to planning committee is therefore updated to the following:-
- 10.1. **Grant planning permission** subject to:
- The prior completion of a S106 agreement to secure the following obligations:
 - Play and open space contributions
 - Provision £1,145.20
 - Maintenance £1988.00
 - Planning conditions outlined in section 11.3 of the original committee report attached as Appendix A to this report.
- 10.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.
- 10.3. That the Interim Head of Planning be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

APPENDIX A

Planning Committee 5 June 2018
Report of the Interim Head of Planning

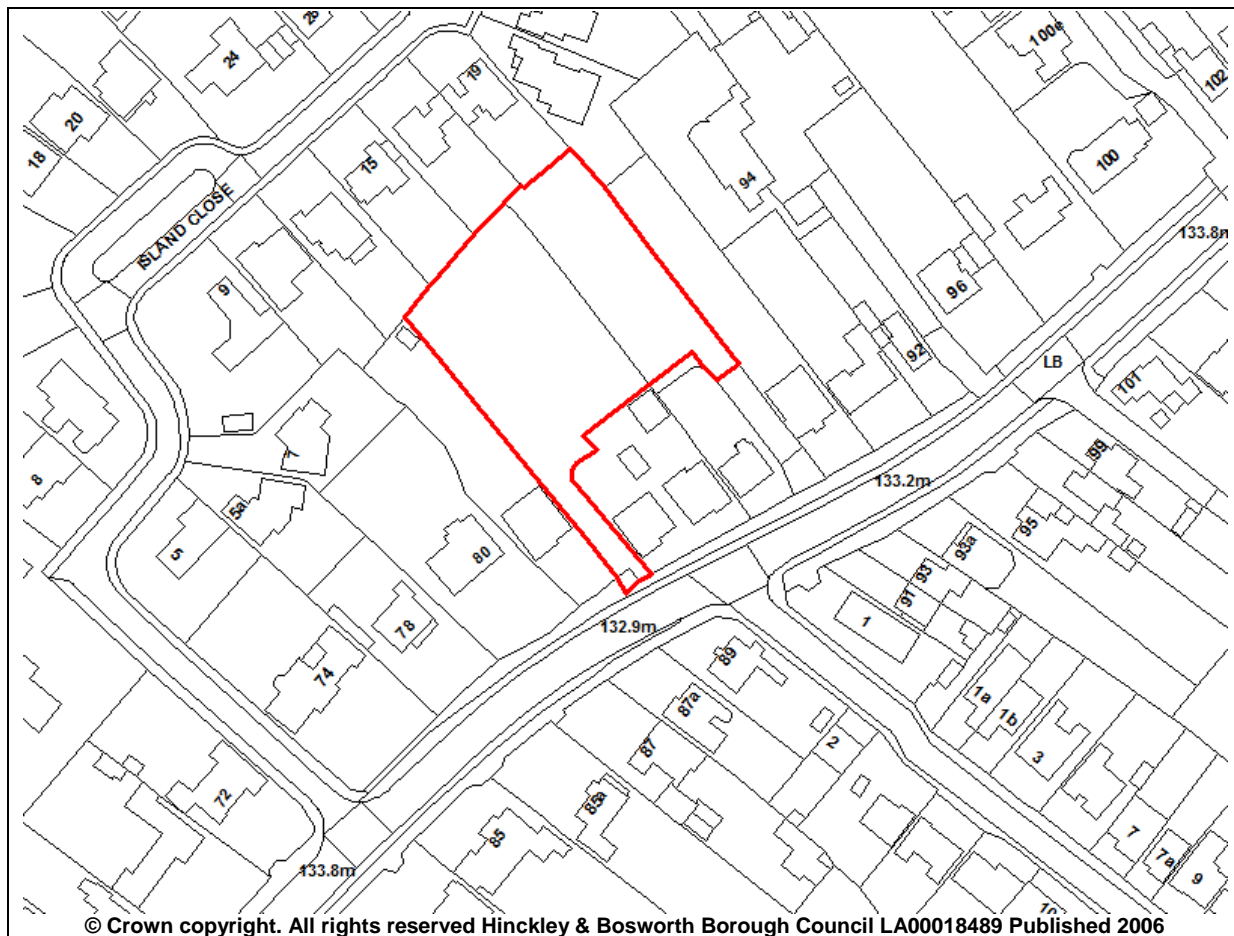
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11. Recommendations

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

12. Planning Application Description

12.1. This application seeks full planning permission for the erection of seven detached dwellings to the rear of 84 Leicester Road, Hinckley. The proposed dwellings would comprise of 7 detached, 4 bedroomed dwellings, of individual design. The internal

road within the site is proposed to be accessed via Leicester Road, and situated between No82 and No84 Leicester Road, Hinckley.

13. Description of the Site and Surrounding Area

13.1. The application site measures approximately 0.3 hectares and is situated within an established residential area of Hinckley, on the northwest side of Leicester Road. To the south east, adjacent to Leicester Road are two detached dwellings which have recently been constructed. To the north east of the application are single storey dwellings situated at depth from Leicester Road. To the north west, the application site backs onto Island Close. Ground levels generally fall from Leicester Road towards Island Close to the northwest. There are a number of trees along this northwest boundary which are protected by a Tree Preservation Order.

14. Relevant Planning History

07/01486/FUL	Demolition of two dwellings (No.84 and No.86Leicester Road) and erection of ten dwellings and associated garages and access	Refused	12.03.08
08/00780/FUL	Demolition of two dwellings (No.84 and No.86Leicester Road) and erection of ten dwellings and associated garages and access	Refused	12.03.08
14/00908/FUL	Demolition of a dwelling and erection of 2 dwellings with garages	Approved	19.01.2015

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and nine letters from separate addresses have responded raising the following objections:-

- 1) Previous development to the rear of Leicester Road, has been restricted to bungalows and roof pitches not exceeding 25 degrees
- 2) Not clear of conclusive provision for dealing with surface water run off, proposal could lead to flooding around Island close
- 3) Plots 5,6,7 and 8 are situated to close to the boundary of those dwellings along Island Close
- 4) Land levels would result in dwellings being 1 metre higher at ground floor to those dwelling in Island Close. Upper floor windows will overlook these houses
- 5) No benefit of this development to the wider community
- 6) Increase traffic and congestion
- 7) Development is contrary to DM10, adverse effect upon privacy, overlooking, amenity, light, noise and visual intrusion
- 8) Maximum roof pitches in the immediate area have been restricted to 22.5 degrees. Previous applications for back land development has restricted this (reference 13/00424/FUL)

- 9) Size of the site is only suitable for a maximum of 3 single storey dwellings, with hipped roofs
- 10) Properties on Island Close are built with their living accommodation to the rear, this development would result in overlooking
- 11) The land levels would result in the roofline having a terracing effect, oppressive and totally out of character
- 12) The contractor already has excess material on site. All spoil must be removed from site, and not spread any excess material over the site to increase the height
- 13) Loss of passive heating
- 14) Infill bungalow within the area have needed their own individual pumping stations to deal with sewerage. This development only proposes one, which could result in consequences for all residents
- 15) A proposed pumping station could also result in noise and vibration from a large pump
- 16) The proposed development proposes a single point soakaway. A single point borehole test was carried out in Feb 2016 and recommended further tests to be carried out, which has not been carried out
- 17) Already existing surface water issues in the area
- 18) How will bins be accommodated within the site
- 19) Previous house to the rear of the dwelling was limited by the Planning Inspectorate to a low pitch roof to prevent upward extension
- 20) The development would not complement or enhance the character of the surrounding area in regard to scale or layout, and bear no relation to the surrounding residential garden development or to the properties on Island Close to the rear
- 21) The proposed development would have small gardens which is contrary to the surrounding area
- 22) Previous planning application (07/1486/FUL) was refused by planning committee due to overbearing effect on properties to Island Close. This was also confirmed for the decision on a further application (08/00780/FUL), which was also refused on not being able to sufficiently demonstrate adequate foul and surface water drainage system
- 23) Planning inspectorate 1998 decision restricted one new dwelling within Island Close to single storey
- 24) The site originally comprised of a single dwelling, including this application and application 17/01294/FUL a total of 11 dwellings are proposed, when 10 dwellings have been previously refused
- 25) Site owner need to ensure that redundant wells and boreholes are made safe and structurally stable, and backfilled or sealed to prevent groundwater pollution and flow of water between different aquifer units
- 26) No proposal to deal with the potential polluted run-off from the roadway serving the proposed dwellings
- 27) Removal of trees on site has exacerbated run off of surface water into Island Close
- 28) Plot 3 and 4 will be in almost complete shade due to the location and orientation of the existing and proposed buildings, combined with the existing water logged nature of the site, will result in no amenity for these 5 bed houses
- 29) The silence of neighbouring dwellings on this proposal does not mean there is no objection, and may be subject to a covenant which precludes them from exercising their right to object
- 30) The proposal would be in contravention of the Councils de-facto policy in respect of paragraph 53 of the NPPF
- 31) Granting permission would have the consequence of a Judicial Review

- 32) The drainage strategy is to support an outline application not a full application
- 33) Granting this permission will result in application 14/00908/FUL not being able to fully implement the conditions relating to the access and arboreal barrier to protect No.82
- 34) The applicant does not intend to meet the conditions imposed on permission 14/00908/FUL and this permission would overturn the conditions imposed upon them
- 35) Bin storage is inadequate and would impede access
- 36) Unless road is adopted waste collection is not adjacent to the highway. If adopted would result in noise and disturbance to No.82 and No.84 by refuse vehicles reversing
- 37) Council has already met and exceeded the requirement for Residential Site Allocations without this site
- 38) Applicant has a history of breaching planning conditions
- 39) The first floors of Plots 5,6,7 and 8 will be up to two metres higher than the floor levels of Island Close
- 40) There is a 15metre Silver Birch Tree situated in close proximity to Plot 8. The footings of Plot 8 would impact the roots of this tree
- 41) There is an oak tree in close proximity to plot 8 the roots of which may be impacted by the proposed garage

5.2. One letter has been received stating they support the application.

6. Consultation

6.1. No objections, some subject to conditions, received from:

Environment Agency
 Severn Trent
 Lead Local Flood Authority
 Hinckley and Bosworth Borough Council (waste)
 Environmental Health (Drainage)
 Environmental Health (Pollution)
 Leicestershire County Council (Highways)
 Leicestershire County Council (Ecology)
 Arboricultural Officer

6.2. Councillor Nichols has objected to the proposal on the following grounds:-

- 1) Development is inappropriate and would cause harm to the local area, a more appropriate scheme would be bungalows with roof pitches of 22.5 degrees
- 2) NPPF states that Local Authorities should have policies to resist inappropriate development in residential gardens. This council has no such policies and then 'ipso facto' from what has been allowed by the Planning Department in the past on rear gardens off Leicester Road, which are single storey properties
- 3) Inappropriate development which spoils the character of the local area should be taken into account as per the NPPF requirement
- 4) Development would be contrary to Policy DM10 criteria a and b, in that the development would have significant adverse impact upon privacy and amenity of residents and would not complement or enhance the character of the surrounding area
- 5) Mr Clark in response to the NPPF, scrapped minimum density targets so town halls can work with the local community to decide what new homes are best for their area. The proposed number on the site is too many and the design of the new home is not what is required

- 6) New development should take into account existing features of the site and location. Where development has already taken place these have been limited to bungalow with roof pitches of 22.5 degrees roof pitches. The proposed buildings do not meet in any way their interrelationship with existing development and surrounding landscape
- 7) It does not incorporate high standard of landscaping
- 8) An appropriate Sustainable Drainage Scheme must be submitted and approved before the application approved
- 9) Adverse impacts from pollution and flooding. The area is prone to flooding and whilst STWA have carried out alterations to their systems to prevent any future problems this proposed development does nothing to ease the concerns of the neighbours
- 10) Several wells on site, one of which has been used for rainwater runoff from the new buildings. An appropriate drainage scheme has not been submitted and approved by the relevant authority. The proposed road does not show any drainage points. Who will be responsible for the upkeep of boreholes and catchment tank. Further information is needed
- 11) The plans show the sewerage will flow to a tank and then be pumped out to the existing drainage in Leicester Road. Has anyone shown that this will work and who will be responsible for its up keep
- 12) What happens if flooding of gardens takes place after these buildings are built

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Waste
- Other matters

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12

of the NPPF state that the development plan is the starting point for decision making and that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. Paragraph 13 of the NPPD states that the NPPF is a material consideration in determining applications.

- 8.3. The current development plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Plan Document (2016).
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. The Core Strategy states that the focus of most new development will be in and around the Hinckley sub regional centre as this is where there is a concentration of services, where accessibility can be maximised and modal choice made available.
- 8.5. To support Hinckley's role as a sub-regional centre, Policy 1 of the adopted Core Strategy seeks to allocate land for the development of 1120 new residential dwellings for Hinckley with a range of house types, sizes and tenures as supported by Policies 15 and 16 of the adopted Core Strategy. Policy DM1 of the adopted SADMP provides a presumption in favour of sustainable development.
- 8.6. The HBBC 'Briefing Note 2017 - Five Year Housing Land Supply Position at 1 April 2018' confirms that the Council is able to demonstrate a five year housing land supply of 6.06 years. Therefore the relevant development plan policies relating to the supply of housing are neither absent nor silent and are considered up to date and in accordance with paragraphs 47 and 49 of the NPPF.
- 8.7. The application site is located in a sustainable urban location within the settlement boundary of Hinckley as defined in the adopted SADMP and with reasonable access to a full range of services and facilities. Residential redevelopment of the site would therefore be generally in accordance with the adopted strategic planning policies of the development plan.

Design and impact upon the character of the area

- 8.8. Policy DM10 of the SADMP seeks to ensure that new development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.9. Leicester Road is characterised by a mix of individually designed dwellings, which are predominately two storeys in scale, however there are a number of dormer bungalows within the street scene. To the north east of the site, there are two existing single storey dwellings positioned at depth, as back land development along Leicester Road. The dwellings to the north west situated within Island Close, are on a lower land level due to the levels dropping away to the north. Plot sizes within the Leicester Road and the immediate area, are varied, with some dwellings having larger than average plot sizes and rear gardens, some of which have been developed on over the years.
- 8.10. The application site is located to the north side of Leicester Road, and would be served by a single point of access situated between the north east of No.82 and to the south west of No.84, and would extend to the properties to the rear of 84-86 Leicester Road, which are two storey detached dwellings.. The development comprises a cul-de-sac which would create its own unique character, separate to that of the surrounding properties.
- 8.11. The access would extend north west and curve round to the east to create one single road to serve the development. The proposed dwellings have been orientated to provide a strong street frontage, and would afford natural surveillance within the proposed street scene and access. The proposed development would

also provide high quality landscaping scheme, with a mix of hard surfacing's to denote the public and private areas.

- 8.12. The proposed development would provide a mix of house types, with plots 3, 4 and 9 being 2.5 storeys in scale, which would be positioned to the south east side of the application site, with Plots 5-8 having an overall scale of 1.5 storeys, reflective of the change in land level which drop towards the north west. Plots 5-8 would back onto the dwellings along Island Close, which although differ in character are generally dormer bungalows. Plots 5 – 8 are reflective in this character, with the eaves positioned below the first floor, with the roof space being utilised for bedrooms.
- 8.13. The proposed dwellings are of individual design and layout, which results in a varied character across the application site, and would ensure there is interest within the street scene. The design of the properties, include key features such as chimneys, projecting gables, eaves details and door and window head cill detailing, resulting in a high quality design of dwellings.
- 8.14. A number of objections have been received which content that the proposed dwellings should incorporate 22.5 degree roof pitches the result of which would be that the proposed dwellings would have roof heights reduced, similar to previous back land developments within the surrounding area. For the avoidance of doubt previous approved schemes such as the dwellings to the rear of 86 Leicester Road, Hinckley under permission, ref: 11/00178/FUL, agreed to reduce the roof pitch to appease neighbour concerns, but this was not a planning related requirement. A further application on the same site, was submitted under application, ref: 13/00424/FUL, which was in excess of 22 degrees, however when taking into consideration the prevailing character was deemed to reflect the surrounding area.
- 8.15. Objections have also been received which refer to an inspectors decision (Appeal reference APP/K2420/A/98/298012/P7) which approved the erection of a single storey dwelling to the rear of 80 Leicester Road, the principal elevation of which is served from Island Close, considering that given this appeal decision the proposed development should be restricted to single storey dwellings only. T dwelling which formed the subject of this appeal decision is however situated within in area and context where the character is predominately single storey. This is in contrast to the present application which is served from Leicester Road, where the character is varied, and would be viewed in this context. The proposal also seeks the erection of 7 dwellings; this development would create its own character and cul de sac frontage within the development site, unlike the development of a single dwelling.
- 8.16. As such given the surrounding character, where there is development at depth, and dwellings are of a varied character and size, the proposed development would complement the character of the surrounding area. The proposed development of the site would therefore be in accordance with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.17. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.18. The proposed development is bound by residential dwellings, and is positioned to the north west of Leicester Road and to the south east of Island Close, Hinckley. The proposed development would result in the creation of an access to serve 7 dwellings, and would extend along the side and rear boundaries of No.82 Leicester Road and No.84 Leicester Road, Hinckley. The proposed development would result in a level of vehicle movements, creating additional noise, however given the limited number of proposed dwellings it is not considered to be at a level which would have an adverse affect upon residential amenity. The proposed scheme also seeks to

position a waste collection point along the side boundary of No.82, which would be utilised once a week for collection. Given the location of the access and proposed positioning of the bin collection point, it is necessary to impose a condition to ensure appropriate boundary treatment along this boundaries is secured to ensure adequate private amenity space to the rear of this dwelling, as well as an appropriate means of enclosure for any permitted bin collection point.

- 8.19. On the entrance into the application site, the nearest residential dwellings to those dwellings along Leicester Road, would be plots 3 and 9. The proposed south east facing side elevation of Plot 3 would face the rear elevation of No. 84 Leicester Road, Hinckley. A distance of approximately 17 metres between the proposed side elevation of Plot 3 and the rear facing elevation of No.84 would be achieved, given this proposed separation distance and the fact there are no side facing windows proposed within this side facing elevation, it is considered that there would be sufficient distance between the dwellings to ensure there would be no overshadowing or overbearing impact to this dwelling as a result of this proposed scheme.
- 8.20. Plot 9 would have the rear facing elevation facing the rear elevation of No.86 Leicester Road. The rear garden of No.86 is approximately 20 metres, and would have a window to window distance of approximately 27 metres. Good practice guidance such as the Urban Design Compendium identifies the distance between backs of properties as a rule of thumb should seek an approximate distance of 20 metres. The window to window distance between Plot 9 and No.86 Leicester Road would therefore be in excess of separation distances, and would therefore avoid any overlooking or overbearing impact. The north east facing side elevation would face towards the residential garden serving No.88 Leicester Road, Hinckley. There are two first floor windows proposed within this elevation which would face north east, however they are proposed to serve an en-suite and a bathroom and would therefore be finished in obscured glazing, and avoid any direct over looking.
- 8.21. Plots 5-8 would have the rear facing elevations facing the rear elevations of No.13 to No.19 Island Close. The levels across the site fall towards Island Close, and this is reflective of the scale and design of Plots 5-8, which have an overall height of approximately 7.5 metres to the ridge. The separation distance between plots 5-8 and those dwellings along Island Close, would be in excess of 27 metres. This is in excess of the aforementioned good practice guidance, and is considered to ensure that notwithstanding the gradual fall in land levels, given the overall scale of the proposed dwellings in addition to the proposed separation distance, the neighbouring dwellings along Island Close would maintain a reasonable standard of amenity, and the proposed development would not have a significant impact on privacy or overbearing impact.
- 8.22. The proposed dwellings would be served by reasonably sized gardens to provide adequate amenity space of future occupiers. The dwellings would be sufficiently separated from one another to avoid overlooking or inter visibility of windows. Where dwellings are positioned on opposite sides of the proposed road serving the development, dwellings are set back from the road and have been positioned and designed that dwellings do not directly face into similar opposing habitable rooms, further reducing overlooking across the development. Therefore the proposed layout would afford future occupiers a reasonable level of amenity.
- 8.23. Due to the positioning of the application site, and having regard to the surrounding neighbouring dwellings and the depths of the proposed plots, it is considered necessary to impose a condition to remove permitted development rights to ensure any additional alterations and extensions to dwellings are not carried out without consent, to allow full regard of neighbouring amenity.

- 8.24. The development has been designed to ensure there would be no adverse impact upon the amenity of existing and future occupiers and is therefore in accordance with Policy DM10 of the SADMP.

Impact upon Trees

- 8.25. The application has been accompanied by an Arboricultural Report which considers the impact that the development proposal may have upon the three protected trees situated along the north west boundary of the site, which forms the rear boundary of the site. The protected trees are to be retained and are included within the rear gardens of plots 5, 6 and 7. A root protection area has been submitted which has been informed by the Arboricultural Report, to ensure that the proposed development would not have an adverse impact upon these protected trees.
- 8.26. Neighbouring the application site, along the north east boundary, is a large Silver Birch and objections have been received in respect of the impact this development may have upon the health of the tree. The tree is of moderate value and in fair condition and as such merits retention, however given its secluded location, it is only visible to the public through the gaps between No.82-84 and 86-88 Leicester Road, with partial distant views from Island Close and Bedale Avenue, the tree would not merit protection by TPO. It is also has no importance for screening to the proposed development.
- 8.27. Having consideration of the submitted tree report and having regard to the neighbouring tree, the Tree Officer has advised that the submitted Tree Protection Plan is not to scale and trees are not accurately plotted, however the construction exclusion zones proposed do appear to be accurate in regards to those trees which are protected. Given the inaccuracies contained within the submitted report and the requirements of the neighbouring Silver Birch situated within the rear garden of No.88, it is necessary that a condition is imposed to ensure a revised tree protection plan is submitted for all affected trees, along with a proposed method of appropriate foundation design, ground/root protection and tree surgery for the neighbouring trees which would be in close proximity to Plot 8.

Impact upon highway safety

- 8.28. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.29. The application site would be accessed off Leicester Road. Hinckley, which is a B class Road and subject to a speed limit of 30mph. The proposed access serving the site would be built with a width of 4.8 metres with a 2.4 x 60 metre visibility splay. The Leicestershire County Council Highways Design Guide requires accesses serving between 5 and 25 dwellings to be a minimum of 4.8 metres wide, plus 0.5 metres if bounded by a wall, fence or other structure.
- 8.30. The application seeks to provide part of the proposed access for adoption. Leicestershire County Council (Highways) have advised that in its present form further works and information would be required when technical approval for the access works is applied for, and therefore recommended conditions relating to the width, gradient and material of the proposed access which are reflective of the technical details required for adoption.
- 8.31. The submitted layout plan has a provision for a minimum of 3 spaces per dwelling which is considered the minimum provision that would be acceptable for dwellings of the proposed sizes in this location. A condition would be necessary to impose to ensure the provision of car parking is delivered.

- 8.32. Leicestershire County Council (Highways) has considered the application and has no objections subject to the imposition of conditions which relate to visibility, parking and accessibility of the application site. The proposed is therefore in accordance with Policy DM17 and DM18 of the SADMP.

Drainage

- 8.33. Policy DM7 of the SADMP requires adverse impacts from flooding to be prevented and that development should not create or exacerbate flooding by being located away from area of flood risk unless adequately mitigated.
- 8.34. The application site is located within Flood Zone 1 as defined on the Environment Agency flood map and therefore is at low risk of flooding. The application has been accompanied by a proposed drainage strategy, which identifies that gravity connection to either the private foul drainage network within the site or public combined sewer in Leicester Road would not be possible to the levels and site topography, and it is therefore proposed that a pumping station be provided to lift foul up to the existing private drainage network within the site. The hierarchy for surface water drainage identifies that priority should be given to infiltration systems, secondly to a water course and thirdly to a public sewer. The drainage strategy identifies that the use of soakaways for the disposal of surface water may not be viable, however this would be subject to further investigation in accordance with Part H of Building Regulations. It is therefore identified that the management of surface water would be to collect runoff and attenuate this within oversized pipework with discharge to the existing surface water sewer. This would require a requisition of a new connection to an existing Severn Trent sewer.
- 8.35. Severn Trent have been consulted on the application and raise no objection to the application, subject to the imposition of a condition relating to the submission of drainage plans for the disposal of surface water and foul sewerage. Environmental Health (Drainage) have also advised that there are no objections to the proposed development subject to the submission of a surface water drainage scheme which accords with the outline submitted drainage strategy. During the course of the application the Lead Local Flood Authority were also consulted and advised that the proposed development, does not have any impact on surface water drainage and would therefore not be providing advice on this occasion.
- 8.36. The Environment Agency has commented on the application and has advised that they have no objections to the proposed development. The application site is located on solid rock strata that is designated as a secondary B Aquifer, on top of these rocks Drift sediments are expected to be present that are designated as either secondary A or Secondary undifferentiated Aquifers by the Environment Agency. Based on the information shallow groundwater is likely to be present within the overlying secondary drift aquifers at the site. Considering the former uses and environmental setting the risk to groundwater quality beneath in aquifers beneath the site is very low.
- 8.37. A planning condition is therefore recommended to require the submission of surface water drainage details, incorporating sustainable drainage principles, and the submission of foul sewerage details, prior to any development commencing and the completion of the approved scheme prior to completion of the development to ensure compliance with Policy DM7 of the adopted SADMP.

Waste

- 8.38. The proposed bin storage area for the purpose of waste collection has been positioned at the end of a proposed adoptable driveway. The driveway has been designed to an adoptable standard and would be considered for adoption subject to the necessary technical approval at the separate section 38 application stage.

Other matters

- 8.39. Objections raised in respect of the applicant not complying with conditions is not a matter which can be considered as part of this application but would be subject to ongoing monitoring during the implementation of the permission?
- 8.40. Objections have been raised in relation to the enforceability of the approved access and landscaping scheme approved under application 14/00908/FUL. This application would have an impact in so far as the access and the agreed landscaping scheme. However this application would result in the creation of a wider access and a condition would be imposed to ensure that a suitable and adequate landscaping scheme would be provided in its replacement.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. The application site is situated in a sustainable location within the settlement boundary of Hinckley, where residential development is generally acceptable in principle in accordance with national and local policy. By virtue of the proposed layout the scheme would complement the character and appearance of the surrounding area and would not give rise to any material adverse impacts on the amenities of the occupiers of any neighbouring properties or highways. Supporting information has been provided to demonstrate that adequate drainage and foul sewerage schemes can be provided which would not result in any significant environmental impacts in terms of flooding and pollution. The submitted arboricultural report also identifies that the proposed development can be carried out without detriment to the protected trees within the boundary of the application site. The proposed development is therefore considered to be in accordance with Policy 1 of the Core Strategy, and Policies DM1, DM10, DM7, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies DPD together with the overarching principles of the NPPF.

11. Recommendation

- 11.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report.
- 11.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

11.3. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:
Site Location Plan, Site Plan and internal street scenes plan Dwg No.692.MP.09F received on the 9 May 2018, Plot 3 and 4 Dwg No.692.MP04 Rev A, Plot 5 Dwg No.692.MP.05, Plot 6 Dwg No.692.MP.06, Plot 7 and 8 Dwg No.692.MP.07 Rev A, Plot 9 692.MP.08 received by the Local Planning Authority on the 14 December 2017.
Reason: To ensure a satisfactory impact of the development to accord with Policy DM1 of the adopted Site Allocations and Development Management Policies DPD.
3. Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those approved materials.
Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.
4. No development, excluding demolition, shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
 - 1) Means of enclosure
 - 2) Car parking layouts
 - 3) Other vehicle and pedestrian access and circulation areas
 - 4) Hard surfacing materials
 - 5) Minor artefacts and structures (e.g. furniture, play equipment, refuse
 - 6) or other storage units, signs, lighting, etc.)
 - 7) Planting plans
 - 8) Written specifications
 - 9) waste collection provision and points
 - 10) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - 11) Implementation programme**Reason:** To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.
5. No development shall commence, until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

6. Prior to development, a Tree Protection Plan shall be submitted, which includes appropriate foundation design, ground and root protection shall be submitted to and agreed in writing by the Local Planning Authority. The agreed Tree Protection Plan shall be implemented and carried out in complete accordance with the agreed details.

Reason: To ensure that trees are not damaged during construction and that soil bulk density will not be increased and be detrimental to long-term health of the tree, to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Plan.

7. Development shall not begin until a scheme to provide a surface water drainage system in accordance with the Outline Drainage Strategy dated August 2017 has been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the development is provided with satisfactory means of surface water drainage to prevent flooding and minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The development hereby approved shall not commence until drainage plans for the disposal of surface water and foul sewerage, including its maintenance, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and completed in accordance with the approved details prior to any occupation of dwellings hereby approved.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating flooding and minimise the risk of pollution to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Plan.

9. Notwithstanding the submitted plans, details of the proposed access serving the development, including width, gradient, and surfacing, serving the shall be submitted and agreed in writing. The agreed scheme shall be completed prior to first occupation of the development hereby permitted, and shall be maintained at all times thereafter.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Plan.

10. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays as shown on drawing no. 692.MP.09F have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Plan.

11. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented and hardsurfaced in accordance with drawing no. 692.MP.09F. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Plan.

12. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access at Leicester Road, Hinckley.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM18 of the Site Allocations and Development Management Plan Policies.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any order revoking or re-enacting that order with or without modification) development within Schedule 2, Part 1, Classes A, B, C and D shall not be carried out without the grant of planning permission for such development by the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

14. Before first occupation of the dwellings hereby approved, the first floor windows positioned within the east facing side elevation, which serve proposed bathrooms of plot 9, as identified within layout plan dwg no. 692.MP.09F shall be fitted with obscured glazing and shall be permanently retained in that condition thereafter.

Reason: To protect the privacy and amenities of occupiers of neighbouring properties with Policy DM10 of the Site Allocations and Development Management Policies DPD.

15. No development shall take place until a scheme which provides adequate provision for waste and recycling storage and collection across the site has been submitted to and approved in writing by the Local Planning Authority. The details should address the accessibility to storage facilities and adequate collections point space at the adopted highway boundary.

Reason: To ensure that the development is served with a satisfactory waste collection scheme across the site to serve the amenity of the future occupants to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

11.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.

2. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without the consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seeks to assist you obtaining a solution which protects both the public sewer and the building.
3. The suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. A minimum of 3 test locations will be required in order to obtain representative results for the development site.

The drainage scheme should be designed in accordance with the CIRIA SuDS Manual (C697), incorporating sustainable drainage principles and the appropriate level of treatment trains to improve water quality before discharging into the downstream system.

Drainage details shall include hydraulic calculations to demonstrate that the proposed drainage system for the development will operate satisfactorily and not result in any flooding off-site in the 1 in 100 year rainfall event, plus an appropriate allowance for climate change.