

Planning Committee 10 October 2018
Report of the Interim Head of Planning

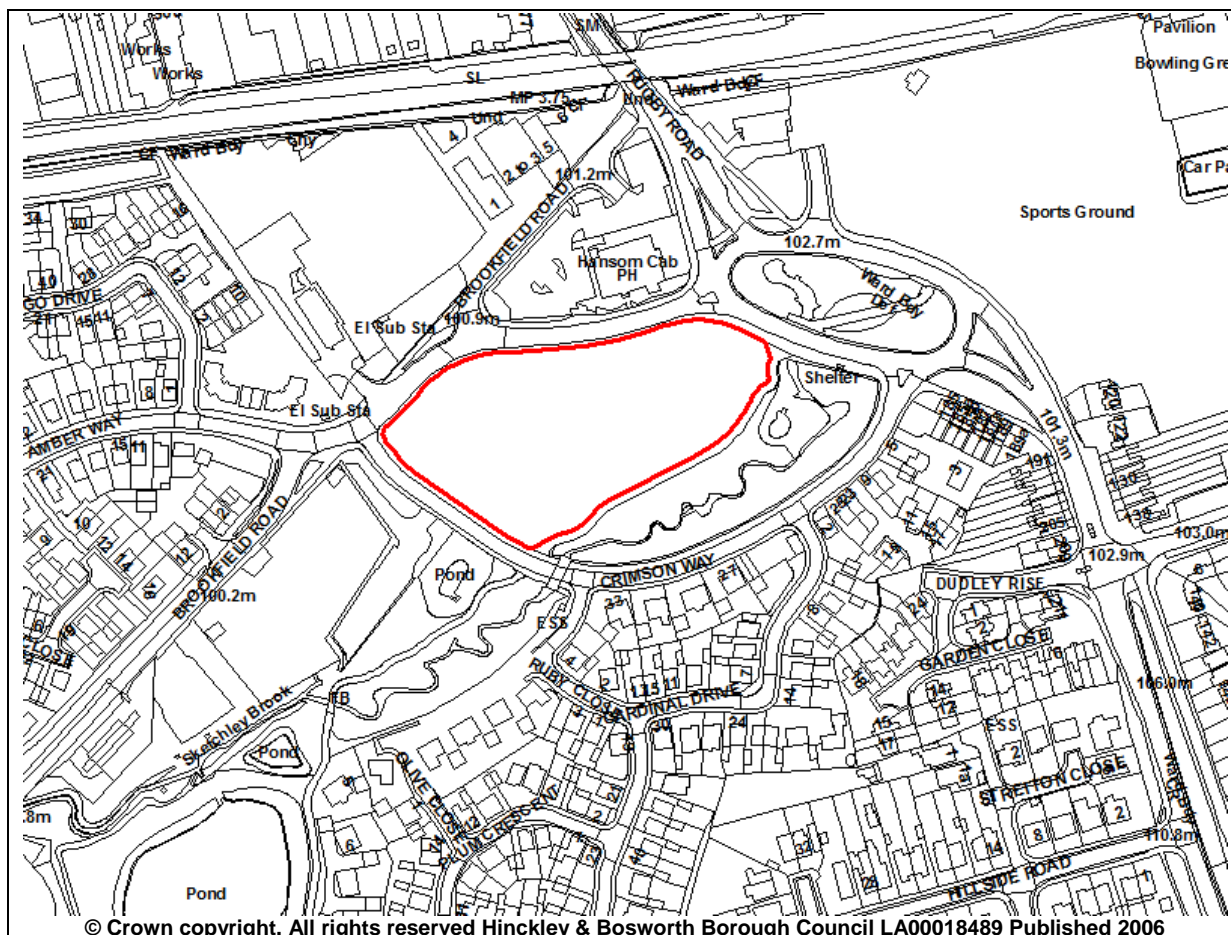


Hinckley & Bosworth
Borough Council

Planning Ref: 18/00302/FUL
Applicant: Persimmon Homes North Midlands
Ward: Burbage Sketchley & Stretton

Site: Land South Of Amber Way Burbage

Proposal: Erection of 40 dwellings and associated infrastructure



1. This application was taken to the previous Planning Committee on the 28 August 2018. Notwithstanding the officer's recommendation that permission be granted, members were minded to refuse the application.
2. Following feedback received from members at Planning Committee and subsequent discussions with officers, the applicant has submitted amended plans which further enhance the character of the house types and the visual appearance of the scheme along the Sketchley Brook frontage of the site through the inclusion of additional chimneys to all of the house types along this frontage and the provision of additional landscaping in the form of a continuous belt of 27 trees (17 additional) along the public footpath adjacent to the Sketchley Brook. These amended plans are acceptable and in keeping with the existing character of the area in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.
3. In addition, to the amended plans, letters have been received from both the applicant Persimmon Homes and Goodman Logistics Developments (UK) Limited

(landowners of the application site and original landowners of the wider Sketchley Brook site) in respect of concerns raised by members relating to the original masterplan for the site and mix of uses, in particular the provision of a local centre/fulcrum within the wider Sketchley Brook development.

4. The letters received from Persimmon Homes Limited and Goodman Developments outlines their position that the mix of uses currently on the wider site, and still being promoted, are broadly in accordance with the original masterplan. Goodman point out that significant employment and residential elements have already been delivered along with a restaurant/public house and significant investment into extensive green infrastructure and local centre uses and that the delivery of these key components demonstrates that the spirit of the development remains intact.
5. Both Persimmon Homes and Goodman Developments state that the delivery of 30 affordable units by Westleigh Homes on an adjacent plot within the wider site will exceed the envisaged affordable target for the wider site and the current proposal by Persimmon Homes now being considered would provide an additional 8 units of affordable housing both of which would make a significant contribution to the unmet affordable need in the Borough. They consider that given the site allocation for housing and its sustainable location within the settlement boundary and brownfield nature the proposal meets local and national planning policy requirements and should be supported.
6. Goodman suggest in their letter that the mix of uses intended on the Fulcrum did not include any community buildings. However, in addition to Class A1 (retail), Class A2 (financial and professional services) and Class A3 – A5 (eating and drinking establishments), the submitted outline application form in 2010 did include 'up-to 464 square metres of Class D1 (non-residential institutions) floor space' (which includes uses for clinic/health centre, crèche, day nursery, day centre, etc.). Notwithstanding this, current adopted Policy SA3 of the SADMP which relates directly to the remaining un developed land at the Sketchley Brook site, does not require the provision of any community uses and therefore there is no policy requirement for this to be delivered within the site.
7. In respect of local centre provision, Persimmon and Goodman refer to the recently submitted full planning application by Carbide Properties Limited (a Hinckley based developer) on land to the north east of the Persimmon site. This separate application (reference 18/00844/FUL) is currently under consideration and seeks the demolition of DM Rock and Sons Garage and Johnsons Dry Cleaners to provide a mix of Class A1 (shops), Class A3 (restaurant and cafes) and Class B8 (storage or distribution) with associated parking and substation (including temporary accommodation for the Dry Cleaners during the construction phase). Goodman have confirmed that they have secured a contractual position with Carbide Properties Limited on the development of this plot. Goodman also confirm that the proposed development is fully pre-let subject to planning permission being granted, and would provide a convenience food store, coffee and sandwich shops, Johnsons dry cleaners as well as conventional retail units for Toolstation, Topps Tiles and the Salvation Army. Persimmon and Goodman point to the submission of this scheme as being fundamental to both the overall vision for the wider site and in addressing concerns raised by members at Planning Committee regarding the mix of uses. Additionally they consider that the level of demand and interest shown in the proposed units demonstrates that the scheme, if approved, is highly likely to be delivered. The approval and delivery of this separate scheme would satisfy the requirements of Policy SA3 of the adopted SADMP and therefore the delivery of the Amber Way site for 100% housing would not harm the overall policy requirements for the site.

8. Finally, Persimmon and Goodman point out that the time limit condition restricting the preparation of reserved matters for the outline planning permission has now taken effect and therefore there is now no way to either require the local centre or enforce its delivery. However, notwithstanding this, Goodman remain committed to the overall vision and overarching principles of the original masterplan.
9. Following the submission of amended plans to address issues identified at the previous Planning Committee meeting together with additional clarification and information submitted by the landowner and developer in respect of the mix of uses on the wider site etc., the recommendations to Planning Committee do not alter from those identified in the previous report to committee and the proposal is considered acceptable in planning terms and recommended for approval subject to conditions, amended from the previous report to refer to the amended plans submitted.

9.1. **Grant planning permission** subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - 20% affordable housing units (8 dwellings)
 - Education facilities contribution of £104,535.45
 - Health care facilities contribution of £20,085.12
 - Public play and open space contribution of £64,310.22
 - Proportionate off-site highway mitigation works contribution of £80,000
 - Transport contribution to secure amendments to the Traffic Regulation Order of £7,500
 - Travel Packs for the future occupiers (£52.85 per pack)
 - Six month bus passes (two per dwelling) at approximately £360 per pass
- Planning conditions outlined at the end of this report.

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

9.3. 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.

9.4 **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 otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan at 1:2500 scale received by the local planning authority on 10 April 2018; Site Layout Drawing Ref. MJ/COMP-01 Revision U and House Types Pack Revision J (Plots 1 - 40 inclusive) Floor Plans and Elevations Drawings received by the local planning authority on 14 September 2018; Soft Landscaping Zone Proposals Drawing Refs. P17-1256_01F and P17-1256_02F received by the local planning authority on 13 September 2018; Planning Engineering Layout/Levels Drawing Ref. FW1329 120A received by the local planning authority on 21 August 2018; Materials Plan Drawing Ref. PS/BC/ML Rev C received by the local planning authority on 29 June 2018 and Hard Landscaping Zone Proposals Drawing Ref. P17-1256_03E received by the local planning authority on 22 June 2018.

Reason: To define the permission and ensure satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Notwithstanding the recommendations within the submitted Phase II Site Appraisal Report by GRM (reference P7645) dated November 2016, no development approved by this permission shall be commenced until a scheme for the remediation/mitigation and validation of the identified land contamination on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how the contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation/mitigation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the local planning authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure safe development of the site and to safeguard the health and residential amenities of the future occupiers of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development shall commence until a scheme to provide a sustainable surface water drainage system in accordance with the submitted Drainage Strategy (Ref: FW1329/DS/001-v2) dated May 2018 has been submitted to and approved in writing by the local planning authority, and the scheme shall subsequently be implemented in accordance with the approved details and completed before the development is first brought into use.

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

6. No development shall commence until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment has been updated accordingly to reflect this in the drainage strategy.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development shall commence until such time as full details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the local

planning authority, and the scheme shall subsequently be implemented in accordance with the approved details for the duration of the construction period.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development shall commence until such time as full details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the local planning authority. The system shall subsequently be maintained in accordance with the approved details at all times thereafter.

Reason: To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No development shall commence until a scheme for protecting the dwellings hereby permitted from noise from Rugby Road has been submitted to and agreed in writing by the local planning authority. All works which form part of the approved scheme shall be completed before any of the dwellings hereby permitted are first occupied.

Reason: To protect the amenity of the future occupiers of the site from noise from Rugby Road in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the local planning authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, vibration, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To protect the residential amenity of existing and future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policy DM17 of the

adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. No part of the development hereby permitted shall be occupied until such time as the accesses, off-street parking and turning arrangements and visibility splays have been implemented in accordance with the details submitted on approved Site Layout Drawing Ref. MJ/COMP-01 Revision U received by the local planning authority on 14 September 2018. Once provided the accesses, off-street parking and turning facilities and visibility splays shall be permanently retained as such at all times thereafter.

Reason: To ensure adequate access, visibility, off-street parking and turning is available to serve the development in the interests of highway and pedestrian safety in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. The development hereby permitted shall not be occupied until such time as the accesses, parking and turning spaces have been surfaced with tarmacadam or other hard bound materials in accordance with the details on the approved Hard Landscape Zone Proposals Drawing Ref. P17-1256_03E received by the local planning authority on 22 June 2018, and once provided, shall be permanently so maintained at all times thereafter.

Reason: To reduce the possibility of deleterious material (loose stones etc.) being deposited in the highway in the interests of highway safety and in the interests of visual amenity in accordance with Policies DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. Prior to the first occupation of each of the dwellings hereby permitted, 1.0 metre by 1.0 metre pedestrian visibility splays shall be provided on the highway boundary on both sides of its access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, in accordance with the current highway design standards and once so provided shall be permanently so maintained at all times thereafter.

Reason: In the interests of pedestrian safety to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the public highway including private access drives, and once so provided shall be permanently so maintained at all times thereafter.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. Prior to the first occupation of each of the dwellings hereby permitted, the boundaries to the rear garden of each plot shall be enclosed by 1.8 metre high solid close boarded timber fencing or brick walls as indicated on the approved Materials Plan Drawing Ref. PS/BC/ML Rev C received by the local planning authority on 29 June 2018 and Hard Landscaping Zone Proposals Drawing Ref. P17-1256_03E received by the local planning authority on 22 June 2018.

Reason: To protect the privacy and amenity of the future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. The development hereby permitted shall be implemented in accordance with the ground and finished floor levels submitted on Planning Engineering Layout Drawing Ref. FW1329 120A received by the local planning authority on 21 August 2018.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

18. The materials to be used on the external elevations of the dwellings, garages and boundary walls hereby permitted shall be in accordance with the details submitted on the approved Materials Plan Drawing No. PS/BC/ML Revision C received by the local planning authority on 29 June 2018.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

19. The development shall be carried out in accordance with the details submitted on approved Soft Landscaping Proposals Drawing Refs. P17-1256_01F and P17-1256_02F received by the local planning authority on 13 September 2018 and Hard Landscaping Proposals Drawing Ref. P17-1256_03E received by the local planning authority on 22 June 2018. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To ensure that the works are carried out within a reasonable time period and thereafter maintained to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

20. Site preparation and construction works shall be limited to the following hours: Mondays to Fridays 07:30 - 18:00; Saturdays 08:00 - 13:00 and no working on Sundays or Bank Holidays.

Reason: To protect the residential amenity of existing neighbouring properties and future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

21. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 5 metres behind the highway boundary and shall be hung so as not to open outwards.

Reason: To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway in the interests of highway and pedestrian safety to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. Notwithstanding the provisions of Parts 1 and 2 of Schedule 2 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) the dwellings hereby approved on Plots 33 - 40 inclusive, shall not be extended or altered without the grant of planning permission for such extensions or alterations by the local planning authority.

Reason: In the interests of visual and residential amenity and to protect the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

23. Prior to the first occupation of any of the dwellings hereby permitted, full details of the provision of electronic communications networking to serve the development, including full fibre broadband connections shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and fully operational prior to the occupation of the last dwelling on the site.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the national Planning Policy Framework (2018).

9.5. 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. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk.
3. In relation to conditions 3 and 4 advice from Health and Environment Services can be viewed via the following web address:- <http://www.hinckley-bosworth.gov.uk/contaminatedsite> which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
4. In relation to condition 5, the scheme shall include the utilisation of holding sustainable drainage (SuDS) techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenarios for the 1 in 1, 1 in 30 and 1 in 100 year plus climate change return periods.
5. In relation to condition 6, the suitability of the ground strata for soakaway drainage should be ascertained by means of the infiltration test described in BRE Digest 365 Soakaway Design.
6. In relation to condition 7, details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to

completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

7. In relation to condition 8, details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site.
8. Planning Permission does not give you approval to work on the public highway. The highway boundary is the wall/hedge/fence etc. fronting the premises and not the edge of the carriageway/road. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring. All works within the limits of the highway with regard to the access shall be carried out to the satisfaction of the Highways Manager- (telephone 0116 3050001. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Local Highway Authority.
9. The applicant/developers attention is drawn to the consultation response from Cadent Gas: due to the presence of Cadent and/or National Grid apparatus in proximity to the application site, the contractor should contact Plant Protection team before any works are carried out to ensure the apparatus is not affected by any of the proposed works. E-mail: plantprotection@cadentgas.com Telephone: (0)800 688588.
10. Land Drainage Consent - If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following: <http://www.leicestershire.gov.uk/Flood-risk-management>.
11. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.

If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.

12. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.
13. Any street furniture or lining that requires relocation or alteration shall be carried out entirely at the expense of the applicant, who shall first obtain the separate consent of the Local Highway Authority.
14. A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.