

**Planning Committee 19 February 2019
Report of the Interim Head of Planning**

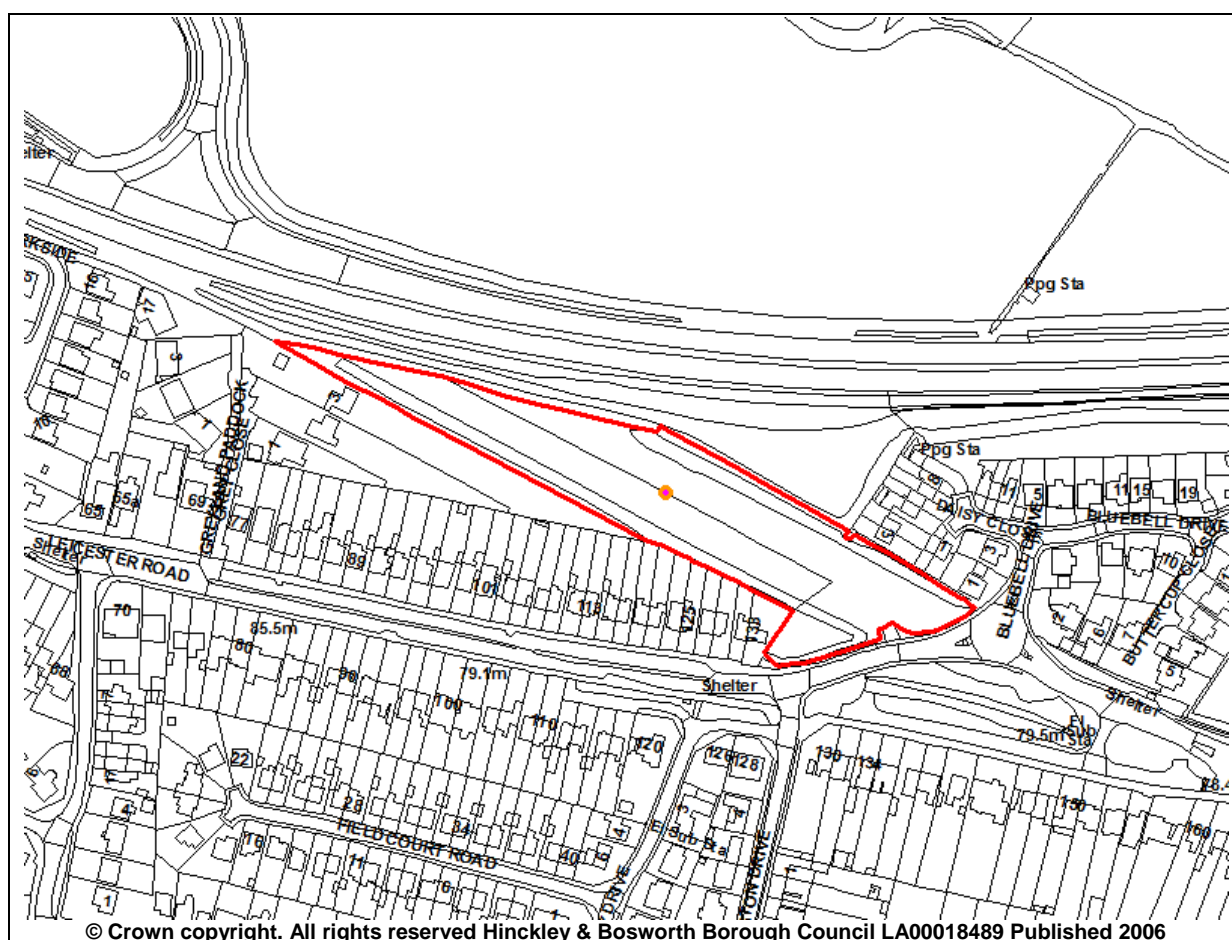


Hinckley & Bosworth
Borough Council

Planning Ref: 18/01038/REM
Applicant: Countryside Properties
Ward: Groby

Site: Former Highway Land Leicester Road Groby

Proposal: Approval of reserved matters (layout, scale, appearance and landscaping) of outline planning permission 15/00767/OUT for residential development of 30 dwellings



1. Recommendations

1.1. Grant approval of reserved matters subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. This application seeks the approval of reserved matters (layout, scale, appearance and landscaping) following the approval of outline planning permission 15/00767/OUT for access only for a Residential development.

- 2.2. The proposed scheme seeks to provide 30 dwellings, broken down into 19 three bedroomed dwellings, 9 two bedroomed dwelling and 2 one bedroomed dwellings. The dwellings would be two storey in scale and a mix of semi detached and terraced properties. Each dwelling would be provided with two off street parking spaces.
- 2.3. During the course of the application, amended plans have been received, which seek to incorporate chimneys upon those dwellings which front onto Leicester Road, Groby and the provision of 2 visitors parking spaces to the end of the cul-de-sac. A detailed levels plan and proposed sections have also been provided as part of the application. A re-consultation has been carried out.

3. Description of the Site and Surrounding Area

- 3.1. The site is currently overgrown and formed part of the alignment of the A50, prior to its diversion. The application site is therefore previously developed land The A50 is situated to the north of the application site. To the south, the land is bordered by the rear of dwellings which front Leicester Road and Greys Close, with dwellings at Daisy Close to the east. To the north there is a belt of trees situated between the application site and the A50. Levels within the application site generally rise to the north west, with levels within the site raised in the central area. The application site is situated within the settlement boundary of Groby as defined on the proposals Map contained within the Site Allocations and Development Management Policies DPD (adopted July 2016).

4. Relevant Planning History

15/00767/OUT	Residential Development (outline - access only)	Outline permission	18.01.2018
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5. Publicity

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 a notice was displayed in the local press and 10 letters from separate addresses have been received raising the following objections:-

- 1) The outlook of aged trees and fields will soon be replaced with bricks and roof tops, will the council be reducing council tax to compensate for the loss or offering cash to compensate for the value of homes
- 2) Westleigh have already cleared some of the site
- 3) Groby is constantly under threat of more and more development without being offered infrastructure, the access to this land is off a mini roundabout in a precarious position
- 4) Council is interested in securing funds from developers in deals such as this without truly considering the views or impact on quality of life for those who live in the village
- 5) Number of extra vehicles exiting onto Leicester Road, when the road is already congested in rush hour is unacceptable
- 6) Groby is a small village which is over stretched in terms of public facilities such as school and GPs
- 7) Traffic is already heavy

- 8) Local football and scouts clubs are at bursting point and therefore no such facilities for children. Adding 30 dwellings puts further pressure on these limited facilities
- 9) Clearing of vegetation has disrupted the ecosystem which has been established over many years
- 10) Dense Blackberry bush has been removed which provided a natural barrier against any person entering the rear gardens
- 11) The trees act as a natural barrier to the traffic noise from the adjacent A50
- 12) The development will devalue our property
- 13) Loss of privacy due to the lack of natural screening
- 14) Drainage issues, both surface and sewerage, additional sewerage and surface water will result in further flooding at the bottom of Leicester Road
- 15) Motorists don't observe the speed limit and drive straight over the mini roundabout and to have another road feeding off the island without due considerations of potential increase in traffic flow may have implications for the safety of the road users
- 16) There has been another flooding incident since 12 August 2016, which occurred on 19 May 2017. Local residents are taking preventative measures at their own expense to prevent contaminated flood water entering properties
- 17) Severn Trent commenced drainage investigations in 2015 which were subsequently postponed due to greater pressures from other locations, however they resumed in 2018 following the flooding incident that occurred on the 19 May 2017
- 18) No details on the proposed levels have been provided as part of the application, and concerned that the proposed development could be constructed on land considerably higher level than the surrounding properties
- 19) Concerns over the lack of maintenance of the proposed watercourse within the site boundaries proposed for drainage. The watercourse and capacity of 1050mm highway culvert under the A50 lacks maintenance. It is assumed that the Asset Protection Team at Severn Trent is unaware of the unresolved flooding events and ongoing investigations. With flooding events occurring on average every 2.5 years it seems obvious that the current surface water and foul water drainage at this location is inadequate
- 20) It is believed that the pedestrian subway under the old A50 that runs parallel and to the east of the 900mm culvert is still intact, but was filled in. This needs confirming as it is close to the area of land to be dedicated as SUDs. In 1995 the County Council offered this subway to the Borough Council as a storm overflow when it became redundant following the construction of the realigned A50
- 21) Groby seems to be having properties built in every corner without thought to wildlife and the current residents being surrounded by roads
- 22) The site as it borders Leicester Road should be double yellow lined to prevent parking on this bend and into Bluebell Drive
- 23) Wheel washing and site management should be considered

5.1. A letter has also been received with a number of questions attached which are as follows, and will be addressed within the report.

- 1) When is the development of the site scheduled to commence and its completion date
- 2) During construction what will be the impact on neighbours in terms of noise
- 3) What is the likelihood of flooding, due to the removal of trees and roots during the construction. Ground disturbance from piling and diggers. After completion what flooding protection defences will be incorporated into the plans for the future
- 4) What cleaning measures will be put in place for Leicester Road surface, What cleaning measures are there for Bluebell Drive road surface, in particular those immediately off Leicester Road
- 5) What measures are in place to prevent contractors parking their plant vehicles, vans and cars on the road and pathways in Bluebell Drive and Daisy Close
- 6) Based upon the planned 30 dwellings, there will be a minimum of 30 vehicles and up to approximately 60, new owners accessing the roundabout will cause further congestion

6. Consultation

6.1. No objection, subject to conditions have been received from:-

Environment Agency
Severn Trent Water Limited
Leicestershire County Council (Ecology)
Leicestershire County Council (Archaeology)
Leicestershire County Council (Highways)
Leicestershire County Council (Flooding) (Lead Local Flood Authority)
Leicestershire County Council (Rights of Way)
HBBC Environmental Health (Pollution)
HBBC Environmental Health (Drainage)
HBBC Waste Services

6.2. Groby Parish Council have objected on the following grounds:-

- 1) The application should be postponed until the unsolved flooding issues have been resolved by Severn Trent. This development will exacerbate this
- 2) Flooding is not only surface water, it also causes the drainage to back up and enter the 'foul' system which then overflows at manholes causing foul waste to enter gardens and the rain water ditch to the rear of Daisy Close
- 3) There is lack of topographical drawings of the site and the new houses will overlook the existing houses due to the land levels. However with no drawings it is not possible to determine this.
- 4) Parish Council have requested the following conditions are met:-
 - a) All site traffic to enter the village via an agreed route from the south of the village and not via the village centre
 - b) Due to an existing parking problem in Groby and to prevent additional road hazards on Leicester Road, all vehicles must park on site
 - c) Due to the nature of the exit/egress to the site via a mini roundabout on site wheel washing should be provided to avoid contamination

- d) Working hours should be restricted and not extend outside the hours of 0800hrs and 1700hrs and working week should not include Sundays

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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

- Policy SA1: Safeguarding Site Allocations
- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- 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) (2018)
- 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

Assessment against strategic planning policies

8.2. Paragraphs 11-13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications but does not change the statutory status of the Development Plan.

8.3. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies Development Plan Document DPD (SADMP).

8.4. The application is situated within the settlement boundary of Groby. Core Strategy Policy 8 seeks to allocate land for the development of a minimum of 110 new homes in Groby. The site is allocated within the Site Allocations and Development Management Policies DPD (SADMP) for residential development up to 38 dwellings (allocation reference GRO03). Policy SA1 of the SADMP seeks to safeguard allocated sites for the same land uses, in this case this is safeguarding for residential use. The principle of the residential development on this site has been established through the adoption of the SADMP and through the granting of outline planning permission reference 15/00767/OUT.

Design and impact upon the character of the area

- 8.5. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.6. Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 30 dwellings per hectare within key rural centres, rural villages and rural hamlets.
- 8.7. Paragraphs 124 and 127 of the NPPF (2018) state that good design is a key aspect of sustainable development and planning decisions should ensure that developments: will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character; optimise the potential of the site to accommodate an appropriate amount and mix of development and support local facilities and transport networks; create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.
- 8.8. The proposal is for a total of 30 dwellings situated within a strip of land which has been allowed to overgrow with vegetation. The application site is 'left over' land which was used during the re-development and re-alignment of the A50. The site is bound by the A50 dual carriageway to the north of the application site, and linear residential development to the south fronting onto Leicester Road. There is also further more recent development to the north east of the application site. Levels within the site and wider area increase to the west and north towards village centre and the A50.
- 8.9. The surrounding residential properties vary in terms of their siting, scale and design, with plots along Leicester Road, to the south of the application site, and Grey Close to north west occupying modest plots.
- 8.10. The proposal seeks the erection of 30 dwellings on a 1.07 hectare site and a mix of 1 to 3 bedroomed dwellings across the application site, all of two storey scale, which is consistent with Policy 16 of the Core Strategy that requires a mix of housing types.
- 8.11. A single point of access is proposed and was previously agreed under outline permission 15/00767/OUT from Leicester Road, Groby to serve the site. The access would extend north west, centrally through the proposed development. The proposed dwellings are orientated to provide a strong street frontage, and afford natural surveillance. The exception to this is plots 26-28 where the proposed dwelling would be positioned facing into a parking court, however plots 26 and 27 have been designed to be dual frontage, to ensure there is active frontages to the development is secured throughout, as well as providing a frontage to Leicester Road.
- 8.12. The proposal includes a mix of dwelling of two storey scale. The proposed dwellings would include some design detail within elevations to provide relief and interest within the street scene, such as brick detailing to windows and door cills and front canopies above doors. Plots 1 -3 and plots 29-30 would also feature chimneys to provide and add to the wider roofscape along Leicester Road.
- 8.13. To reduce car dominance within the proposed street scene parking would be provided to the side of dwellings, with the exception of plots 1 and 2 which front onto Leicester Road, where parking would be positioned to the rear but overlooked

by plot 3. Plots 26 – 28 would also be served by a small parking court, overlooked by the respective plots.

- 8.14. Levels within the site and the wider area vary, with land levels generally rising north and north west. Given the significant levels changes within the site the applicant is proposing to cut away 4,440m³, due to the thickness of the existing topsoil which exists on the site. This ensures that the finished floor levels of the proposed dwelling would complement and be reflective of the wider topography and natural changes of levels within the neighbouring street scene. The earthworks ensures that the proposed scale of the dwellings would complement the wider area and would not result in a prominent or dominate housing development. As part of this application the developer has provided details in respect of the proposed finished floor levels across the site, which is reflective of the wider changes in levels within Leicester Road, as the site gradually increase to the north west of the site.
- 8.15. Landscaping proposals have been provided as part of the submission, which provides soft landscaping through the development with ornamental planting to the fronts of dwellings and hedgerow enclosures to denote public and private spaces. Along the south of the application site, is an easement with the dwellings of Leicester Road backing onto it, further details have been requested in terms of the details of how this area would be secured. As well as details of any proposed boundary treatments which are proposed through the development. It is therefore necessary impose a condition for an adequate landscaping scheme to be secured prior to development.
- 8.16. The density, layout and the two storey nature and design of the dwellings would complement and enhance the character and appearance of the site, and wider area. The scheme would therefore be in accordance with Policy DM10 of the adopted SADMP and the overarching design principles of the NPPF (2018).

Affordable Housing

- 8.17. Policy 15 of the Core Strategy seeks urban areas such as Groby on sites of more than 10 dwellings to provide on site affordable housing at a site target of 40%. The affordable housing provision on site is 40%, which is set out in the Section 106 agreement for the outline application and as such would accord with Policy 15 of the Core Strategy. The affordable housing would provide dwellings from 1 bedroomed to 3 bedroomed dwellings, across the application site. The affordable housing provision and mix is acceptable and therefore in accordance with Policy 15 of the Core Strategy.

Impact upon neighbouring residential amenity

- 8.18. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.19. The nearest dwellings adjoining the site are located to the south and north east along Leicester Road, Grey Close and Daisy Close. The rear gardens of the dwellings situated along Leicester Road, Daisy Close and Greys Close are of considerable length, approximately 17metres on average, and generally back onto the application site.
- 8.20. Plots 25 – 29 are the nearest proposed dwellings to those situated along Leicester Road, specifically No. 121 to 133 Leicester Road. The distances between the rear of the dwellings on Leicester Road, Groby to the proposed side elevations of Plots 25-29 increases from approximately 17 metres to 30 metres separation distances. The application site, is situated upon a land level which is higher than those dwellings along Leicester Road, as a result the proposed development would result in earthworks to ensure the finished floor levels of the proposed development are

appropriately sited. In this regard Plots 25-29 would be situated approximately 0.9m – 1.5 metres above the finished floor levels of those dwellings along Leicester Road. However having regard to the significant separation distance and the fact that the proposed dwellings are situated to the north of the rear gardens of Leicester Road, it is not considered that the proposed dwellings would appear overbearing nor result in any loss of light. The side facing elevation of Plot 29 would not have any side facing windows directed to No.33 and therefore would not result in any overlooking to this dwelling. Plots 25 and 28 both have first floor side windows which would face towards the rear elevation of the dwellings along Leicester Road, however the windows would serve the bathrooms and as such would be obscurely glazed. However notwithstanding this, given the separation distance between the proposed dwellings and those along Leicester Road, Groby the development would not result in any significant overlooking.

- 8.21. Plots 1 and 2 would be situated to the south west of Daisy Close, which are two storey dwellings. Plots 1 and 2 are proposed to be arranged in a 'U' shaped footprint, with the side elevation of plot 1 facing towards the rear amenity space of No.1 Bluebell Drive, and the rear elevation of plot 2 facing towards the rear elevation of No.1 and 2 Daisy Close. The window to window distance between Plot 2 and to the rear of No.1 and 2 Daisy would be 23 metres. Daisy Close is situated on a lower land level than the proposed development site, and would be an approximately difference of floor levels between the proposed development and Daisy Close of approximately 1 metre. However the overall ridge height differences between the proposed dwellings of No.1 and 2 Daisy Close would be situated approximately 0.3 metres greater than the ridge line of No.1 and 2 Daisy Close. 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, therefore having regard to the differences in levels and the substantial distance proposed, the development would avoid any overlooking 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 highway safety
- 8.25. 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.
- 8.26. Objections have been received in respect of the access and the number of traffic movements associated with the proposed development. The outline application (15/00767/OUT) considered access for the purposes of a residential development,

and was deemed to be suitable and therefore this is not a consideration of this application.

- 8.27. The proposal includes parking for all proposed dwellings, with two spaces per dwelling provided per plot. Within the proposed development, the scheme includes traffic calming to ensure vehicles speeds within the development are below 30mph within the development site. During the course of the application amendments have been sought to the layout to ensure the development would be built up to an adoptable standard. The scheme has been considered by Leicestershire County Council (Highways) and have no objections to the proposal subject to the imposition of conditions which seek to ensure the development is not occupied until parking and turning facilities as proposed have been completed, any dwellings served by a private drive is hard bound prior to occupation and removal of permitted development rights to ensure no barriers or gates can be erected within 5 metres of a highway boundary. These are considered reasonable and necessary to ensure vehicle and pedestrian safety and the free flow of the highway.
- 8.28. During the course of the application objections and comments have been received requesting that the site is subject to wheel cleaning and routing of traffic. Condition 4 of outline permission 15/00767/OUT seeks that the developers provide a Construction Transport Management Plan to address these matters prior to development.
- 8.29. Therefore subject to the imposition of conditions the proposed development would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Impact upon Drainage and Flood Risk

- 8.30. Policy DM7 of the SADMP requires adverse impacts from flood to be prevented and that development should not create or exacerbate flooding by being located away from area of flood risk unless adequately mitigated.
- 8.31. The outline application was supported by Flood Risk Assessment (FRA). The site is located in Flood Zone 1 (low less than 1 in 1,000 annual probability of flooding). Flood mapping indicated a medium to high risk of surface water flooding at the east of the south boundary of the site and a low risk of surface water flooding at the east boundary, on Bluebell Drive. The historic surfacing flooding is largely related to the maintenance of the highway culvert. The site itself is raised and not subject to significant surface water flooding.
- 8.32. It should be noted that during the outline application, drainage has been considered and conditions 7 and 8 requires a surface water drainage scheme to be submitted and agreed prior to development. However the applicant at the request of the Local Planning Authority has provided details as part of this application for consideration.
- 8.33. The proposed development seeks to provide on site attenuation, specifically offline detention basin which would be positioned plots 2 and 3, in accordance with the submitted Flood Risk Assessment submitted at outline stage, which would be further enhanced with introduction of a secondary form of treatment, with trapped gullies both on all highway and private drainage. The proposal seeks to provide surface water attenuation for up to and including 1 in 100 year plus climate change event (40%) and seeks to accordance with the SuDs Manual 2015. At the time of writing the report formal comments from the Lead Local Flood Authority have not been received, however the proposed drainage scheme is reserved by conditions 7 and 8 imposed on permission 15/00575/OUT and is not a matter for consideration for this application. Therefore subject to compliance with the conditions imposed on the outline planning permission the development would not exacerbate flooding in accordance with Policy DM7 of the SADMP.

Noise

- 8.34. Policy DM10 of the SADMP seeks to ensure that the amenity of the occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site. Paragraph 180 of the NPPF advises that planning policies and decision should ensure that new development is appropriate for its location and should aim to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and quality of life.
- 8.35. The application site is situated to the south of the A50 where expected noise levels are high. Due to this close relationship to the proposed development site, mitigation would be required to achieve acceptable noise levels on site. Condition 20 of the outline permission seeks a scheme for protecting the proposed dwellings from noise to be agreed. During the course of the application the developer has submitted a noise survey and mitigation measures to be proposed on site, which includes an acoustic barrier to the northern edge of the development as it forms the boundary with the A50. The report identifies a number of further recommendations such as enhanced glazing and ventilation, construction of dwellings to be tiled with 20kg/m² plasterboard ceiling, 100mm sound absorbing layer above the ceiling or roof type equivalent performance and solid block work walls.
- 8.36. Environmental Health have commented on the proposed means of mitigation, and further information in terms of manufacturing details for the chosen methods shall be submitted for approval. However condition 20 of outline permission (15/00767/OUT) seeks to ensure a satisfactory scheme to protect the proposed dwellings is submitted and complied with, as such this information subject to the compliance of this conditions the proposed development would accord with Policy DM10 of the SADMP.

Ecology

- 8.37. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.38. The outline application (15/00767/OUT) was subject to an Ecology Report, which found that although the grassland and scrubland habitats have local value, the value was not significant in the context of the county and would not meet the Local Wildlife Site criteria. The site is flanked by the A50 to the north, which is a busy trunk road, and residential development to the south, and is not connected to any good wildlife sites. It was acknowledged that the development would result in the loss of trees, and therefore a loss of habitat for birds, however it is not considered that this loss would have a significant impact upon local bird populations, and there is a considerable amount of similar habitat available along the trunk road to the east and west, and to the north of the application site, on the opposite side of the A50. The permission however did condition that site clearance would be carried out outside the bird nesting season (March – July inclusive).
- 8.39. The site also provides potential habitat for badgers, and a badger survey (BWB 2018) was completed for the site recently to discharge condition 12 of permission 15/00767/OUT, and was deemed satisfactory and shall be cleared in accordance with the recommendations of this report to satisfy this condition.
- 8.40. The development provides opportunities for landscaping; however the initial landscaping scheme proposed required revising to ensure that only locally native

tree species in the area of open space are provided to replace habitats. There is also an area of retained woodland proposed to the west of the application and further information is required to seek the woodland is managed, this shall be subject to a condition, as well as the wider management of the site, to ensure that garden creep into surrounding habitats is prevented and protected.

- 8.41. Accordingly subject to conditions the proposed development would be in accordance with Policy DM6 of the adopted SADMP with regard to biodiversity and ecology issues.

Impact upon Existing Infrastructure

- 8.42. A Section 106 was signed for the outline planning application which agreed contributions towards; improvement works; health care contribution; education including primary and secondary education; and travel packs and bus passes for dwellings.

Other matters

- 8.43. A condition requesting the hours of working is controlled by way of condition as part of this development. However this was not requested by Environmental Health (Pollution) at the outline stage and was not considered necessary. It should be noted however noise nuisance is controlled by separate legislation should a statutory noise nuisance be experienced by surrounding occupants. The Local Planning Authority do not hold details of proposed commencement and completion dates as they do not form part of the consideration of the application. However in accordance with the condition of the outline consent the applicant would have 2 years from the date of approval of the last reserved matters to implement the permission.
- 8.44. Any damage to properties which are a direct result from the construction of the development would be a civil matter between interested parties.
- 8.45. Contractors parking outside the application site, would be a civil enforcement matter if those vehicles are parked illegally.
- 8.46. Objections have been received in respect of loss of views and devaluation of properties as a result of this development. The effect on local property values and loss of views are not a material planning consideration.

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.

- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. Following revisions of the layout it is considered that the design, scale and layout of the development and subject to sympathetic external materials, the scheme would complement the character and appearance of the surrounding area and would not result in any significant adverse impacts on the amenity of any neighbouring properties or highway safety. Noise mitigation measures, levels, drainage and land contamination are subject to conditions on the outline planning permission, however some matters have been considered as part of this application, and demonstrate that they can be satisfactorily addressed.
- 10.2. The development would provide an appropriate mix of dwelling and the provision of 40% of dwelling would help towards the affordable housing provision for the borough. The application is therefore considered acceptable and in accordance with Policies DM1, DM4, DM6, DM7, DM10, DM11, DM12 DM17 and DM18 of the SADMP the overarching intentions of the National Planning Policy Framework.

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 not be carried out except in complete accordance with the details shown on the submitted plans:-

Site Location Plan - Dwg No. 218041 - PL13 received 12 October 2018

Proposed Floor Plans and Elevations Plots 14--21 Drg No.218041 - PL04 Rev B

Proposed Floor Plans and Elevations Plots 11,12 &13 Drg No.218041 -PL05 Rev B

Proposed Floor Plans and Elevations Plots 22,23, & 24 Drg No.218041 - PL06 Rev A

Proposed Floor Plans and Elevations Plots 25 & 26 Drg No.218041 - PL07 Rev A

Proposed Floor Plans and Elevations Plots 27 & 28 Drg No.218041 - PL08 Rev C

received on the 19 November 2018

Proposed Floor Plans & Elevations PLOTS 01 & 02 - Drg No. 218041 - PL03- Rev B

Proposed Floor Plans & Elevations PLOTS 03 - 10 & 14 Drg No. 218041 - PL04 - Rev C

Proposed Floor Plans & Elevations Plots 29 & 30 - Drg No. 218041 - PL09 - Rev C

Proposed Site Sections - Drg No. 218041 - PL15

Detailed Landscape Proposals 1 of 2 Drg No. 18.1406.001A

Detailed Landscape Proposals 2 of 2 Drg No. 18.1406.002A

Proposed Site Layout - Drg No. 218041 - PL01 - Rev L,
received on the 22 January 2019

Proposed External Works, Dg No. 1048-117 Rev A
Proposed Site Sections, Drg No. 218041-PL15 Rev A
Earthworks Plan - Drg No. 1048 – 118,
received on the 23 January 2019

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

2. Notwithstanding the details submitted on landscaping scheme Dwg No's:

Detailed Landscape Proposals 1 of 2 Drg No. 18.1406.001A

Detailed Landscape Proposals 2 of 2 Drg No. 18.1406.002A

No development 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:

- a) Means of enclosure
- b) Car parking layouts
- c) Other vehicle and pedestrian access and circulation areas
- d) Hard surfacing materials
- e) Minor artefacts and structures (e.g. furniture, play equipment, refuse
- f) or other storage units, signs, lighting, etc.)
- g) Planting plans
- h) Written specifications
- i) Schedules of plans, noting species, plant sizes and proposed numbers/densities where appropriate
- j) Implementation and Management programme for the site including retained woodland

Reason: To ensure that the development has a satisfactory external appearance and enhances and conserves the biodiversity of the application site to accord with Policy DM4, DM6 and DM10 of the Site Allocations and Development Management Policies DPD.

3. Prior to occupation of the development hereby approved, areas of parking as indicated on Proposed Site Layout - Drg No. 218041 - PL01 - Rev L shall be provided, hard surfaced and marked out.

Reason: To ensure that there is adequate parking provision to serve the development, and avoid on street parking to accord with Policies DM17 and DM18 of the Site Allocations and Development Management Policies DPD.

4. Notwithstanding the provisions of Part 2 of the 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 within 5 metres of the highway boundary.

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 to accord Policy DM17 of the adopted Hinckley and Bosworth Borough Councils adopted Site Allocations and Development Management Policies DPD.

5. 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, Part1, 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.