

Planning Committee 13 September 2016  
Report of the Chief Planning and Development Officer



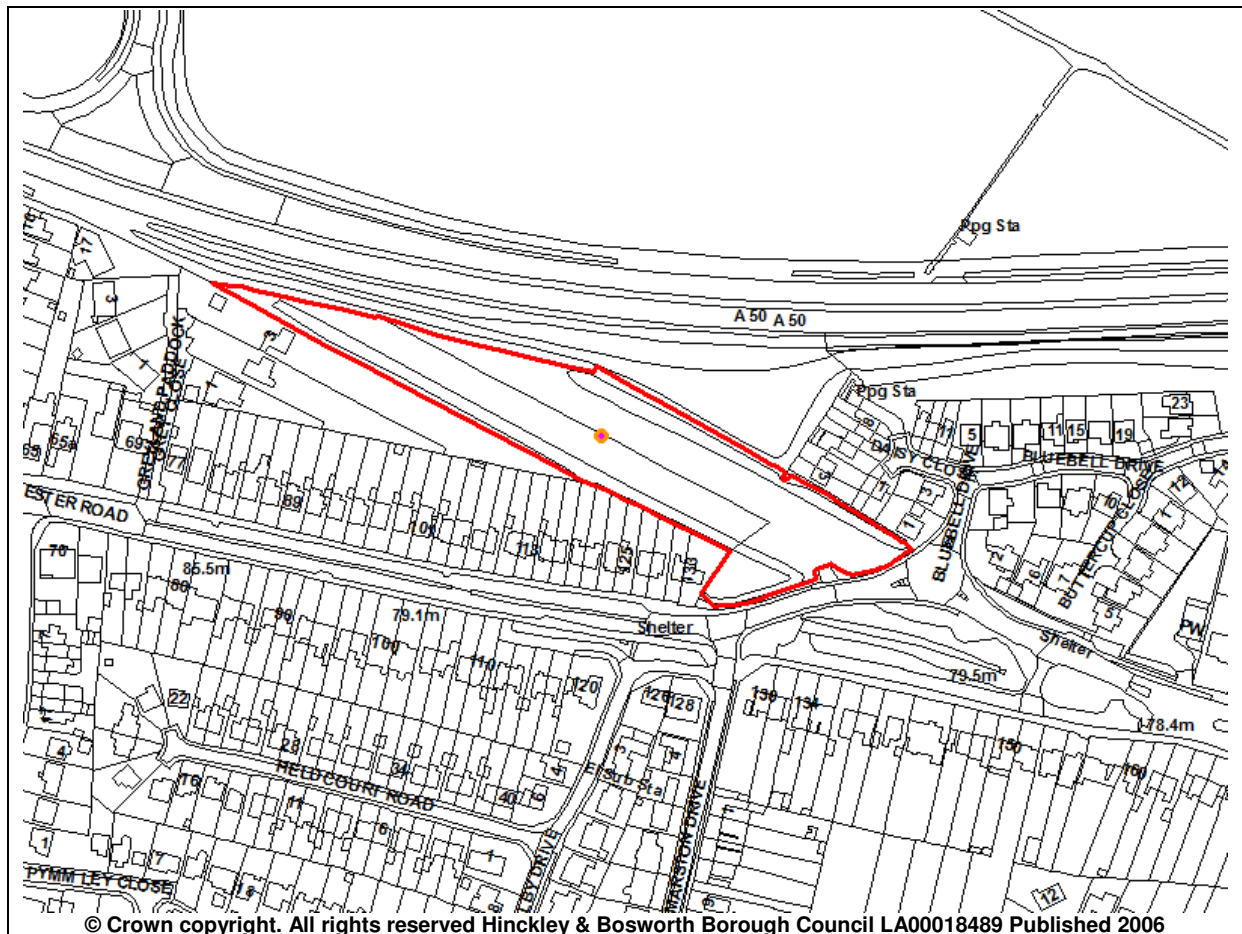
Hinckley & Bosworth  
Borough Council

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Planning Ref: 15/00767/OUT  
Applicant: Leicestershire County Council  
Ward: Groby

Site: Former Highway Land Leicester Road Groby

Proposal: Residential Development (outline - access only)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
  - Affordable Housing - 40% on site and local connections
  - Education – Based on the DFE cost multiplier as follows:-
    - Primary School £12,099.01 per pupil at a pupil ratio of 0.24 per dwelling.
    - Secondary £17,876.17 per pupil at a ration of 0.1 per dwelling.
  - Highways – Travel Packs - £52.82 per pack, 6 months bus passes, two per dwelling (average £350.00 per pass), new/improvements to 2 nearest bus

stops (including raised and dropped kerbs to support modern bus fleets with low floor capabilities £3263.00 per stop, information display case at £120.00 per display, and Real Time Information system at the nearest bus stop £4500.

- Health – £16,661.52 towards the refurbishment of existing building and consulting rooms to create multifunctioning treatment rooms to cater for the increased number of patients.
- Public Open space –
  - Equipped Children's Play Space 3.6m<sup>2</sup> per dwelling, Off site provision per square metre £145.08 and Maintenance £70.70
  - Casual/informal Play spaces 16.8m<sup>2</sup> per dwelling, Off site provision per square metre £6.16 and £5.30
  - Outdoor sports provision 38.4m<sup>2</sup> per dwelling, Off site provision per square metre £13.76 and maintenance £13.20
  - Accessibility and natural green space 40m<sup>2</sup> per dwelling, off site provision per square metre £6.16 and maintenance £5.30
- Planning conditions outlined at the end of this report.

## **2. Reasons for bringing report back to committee**

- 2.1 At its meeting on 16 August 2016, in respect of this application, an initial motion was moved and seconded to refuse the application, against officers' recommendation, on highway safety grounds. On being put to the vote, the committee voted against the motion and it was lost.
- 2.2 A further motion was moved and seconded to approve the application on the basis of the officers' recommendation. Upon being put to the vote, the motion was lost.
- 2.3 The committee then discussed deferring the item to enable the legal position to be checked on what steps could be taken to try to move the matter forward.
- 2.4 The result of that voting process meant that the committee did not determine the application in accordance with s 70(1) of the TCPA 1990 which provides that a LPA may grant permission or refuse permission.
- 2.5 It is considered therefore that it is appropriate to return the application to committee to seek a determination in accordance with s 70(1).
- 2.6 The applicant has agreed an extension of the time for determining the application.
- 2.7 Should there again be no determination upon expiry of the extension of time agreement, the applicant would have the right to appeal to the Secretary of State against that non-determination pursuant to s 78 TCPA 1990.
- 2.8 In those circumstances, officers would need to know from members, for the purposes of the appeal, whether the committee was minded to grant or refuse the application.
- 2.9 The committee therefore has to come to a view on the application and it is prudent to determine the application prior to any appeal against non-determination. Members are therefore strongly recommended to come to a view and to determine the application at the meeting on 13 September 2016.

- 2.10 Following concerns expressed by some members of the committee at its 16 August 2016 meeting, the planning merits of the case have been reviewed. This process has re-affirmed that officers' recommendation to grant permission is robust and fully takes account of development plan policies and the site's allocation in the SADMP as a residential development site. The recommendation has regard to other material considerations, including the views put forward by local residents. Taking all of this into account, the original recommendation to grant planning permission, subject to planning obligations and planning conditions, remains appropriate.

### **3. Planning Application Description**

- 3.1. This application is to be considered at Planning Committee as it is an application that has attracted community interest and Councillor Cartwright has requested in writing that the application be referred to the committee for determination.
- 3.2. This is an outline application with access the only detail for approval at this stage. The application was amended following submission, with layout removed from consideration. A full 10 day re-consultation has been carried out following this amendment to the description. All other matters, apart from access, are reserved for subsequent approval. The proposal is for a residential development with the indicative plan illustrating a development of 30 dwellings.
- 3.3. Access to the site is to be taken directly from Leicester Road, utilising an existing access into the site. The indicative plan illustrates a mix of residential units served by a main access drive through the centre of the site with some informal space provided to the south adjacent to the proposed access. Provision is shown for a Suds (Sustainable urban drainage system) including a balancing pond.
- 3.4. The application proposes 40% affordable housing.

### **4. Description of the Site and Surrounding Area**

- 4.1. 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).

### **5. Relevant Planning History**

None relevant.

### **6. Publicity**

- 6.1. 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 a notice was displayed in the local press.

6.2. 38 letters of objection have been received from neighbouring properties raising the following issues:-

- 1) More congestion in the village
- 2) Loss of wildlife and ecology on site
- 3) The local primary schools are all at capacity and can not accommodate any further pupils
- 4) Number of proposed houses is too many on this small constrained site
- 5) Already flooding problems which exist within Leicester Road and Daisy Road, and this is likely to increase with this development
- 6) Removal of trees and increase in hardstanding will increase the risk of flooding
- 7) Leicester Road already has traffic flow problems, this will be exacerbated
- 8) Application lacks detail and therefore prevents detail examination of likely problems and denies the right of proper objection
- 9) Additional dwellings will add pressure on existing services, such as dentists and doctors
- 10) Will remove the small amount of greenbelt left on the north side of the village
- 11) Trees were planted to protect the existing surrounding properties from noise and pollution, taking the trees away would result in an increase in noise
- 12) Would result in the loss of a leisure area
- 13) Access is inadequate, and would create a pedestrian and highway danger
- 14) Better located sites within Groby
- 15) Land is full of concrete and to development would be enormous work and stress to the local area
- 16) Likely to result in subsidence issues
- 17) Development would not fulfil the needs of the village
- 18) Would result in a loss of light, overshadowing and overlooking as the land is higher than the surrounding residential dwellings
- 19) Proposed layout is poor and plots are small
- 20) Removal of trees would result in poor air quality
- 21) All existing surface water is piped into the watercourse, the proposal would add additional quantities of water will increase the chances of further flooding incident in the future
- 22) Watercourse situated to the rear of Daisy Close is an open ditch and is not adequately maintained
- 23) Inaccuracies within the Flood Risk Assessment
- 24) Visibility along Leicester Road is inadequate and car travels at high speeds.

## **7. Consultation**

7.1. 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  
Groby Parish Council

An objection has been raised by the Tree Officer.

Grobby Village Society has objected on the following grounds:-

- 1) The land provides a vital barrier between the very busy A50 and the village
- 2) The village contends with 3 major roads which enclose the village and therefore needs to be shielded
- 3) The development would put considerable strain on the public services such as schools and medical services
- 4) The proposal would add to traffic problems.

Councillor Cartwright has expressed concerns over drainage issues and the need to ensure they are fully considered.

## **8. Policy**

### 8.1. Local Plan 2006 – 2026: 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

### 8.2. Site Allocations and Development Management Policies DPD Submission Version (Dec 2014)

- Policy SA1: Safeguarding Site Allocations
- Policy DM1: Presumption in favour of 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: Highway design
- Policy DM18: Vehicle parking standards

### 8.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
  - The presumption in favour of sustainable development
    - Paragraph 11-14
  - Promoting sustainable transport
    - Paragraph 34, 37 and 38
  - Requiring good design
    - Paragraph 56
  - Conserving and enhancing the natural environment
    - Paragraph 109 – 111 and paragraph 120
- Planning Practice Guidance (PPG)

## **9. Appraisal**

### 9.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Affordable Housing

- Impact upon neighbouring residential amenity
- Impact upon the highway
- Infrastructure obligations
- Impact upon Drainage and Flood Risk
- Impact upon Ecology
- Land Contamination and Pollution
- Impact upon trees
- Other matter

#### Assessment against strategic planning policies

- 9.2. Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. 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).
- 9.3. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless materials consideration indicate otherwise.
- 9.4. Groby is identified as a Key Rural Centre which relates to Leicester, being a settlement located on the edge of the Leicester Principal Urban Area. The focus of such settlements is on maintaining existing services, with the scale and type of development in these areas based on supporting local needs. The application site is located within the settlement boundary of Groby as defined within the SADMP, as such the site is considered to be situated within a sustainable location. Policy 7 of the Core Strategy also supports housing development in Key Rural Centres.
- 9.5. 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.
- 9.6. Policy 16 of the Core Strategy seeks to ensure that new build residential development to meet a minimum net density of 30 dwellings per hectare within and adjoining the Key Rural Areas. Policy 6 of the Core Strategy also requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings. As this application is at the outline stage this detail is not provided and would therefore be assessed at any subsequent reserve matters stage.
- 9.7. Policy 15 of the Core Strategy seeks to secure 40% on site affordable housing in the rural areas with a tenure split of 75% social rented and 25% intermediate housing. This mix would be secured by a Section 106 agreement and is discussed further within this report.
- 9.8. The allocation of the site in the recently adopted SADMP for residential development (allocation reference GRO03 – Land to the Rear of Daisy Close) is a consideration that carries significant weight in the assessment of the application. Policy SA1 of the adopted SADMP seeks to safeguard allocated sites for the allocated uses. The application site is situated within the Settlement Boundary of

Groby and in close proximity to existing services within the village and existing residential development. Given this policy context, the application site is considered to be in a sustainable location and that residential development is acceptable in principle, subject to all other planning matters being appropriately address.

#### Impact upon the Character of the Area

- 9.9. Policy DM10 of the adopted SADMP requires developments to complement and enhance the character of the surrounding area. Paragraph 56 of the NPPF states good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.
- 9.10. The site is bound by the A50 dual carriageway to the north of the application, linear residential development to the south and further dwellings situated to the north east of the application site. The proposal would involve the redevelopment of a former highway alignment associated with the redevelopment of the A50, within the settlement boundary of Groby as identified within the SADMP.
- 9.11. The site comprises of a strip of land which has been allowed to overgrow with vegetation and trees. There is evidence that the site is accessed for informal recreational use by local residents. To the north of the site there is a belt of tree planting to which screens the A50 from Leicester Road. The indicative layout seeks to retain the existing trees situated to the south of the site which border the entrance to the site, and the planting buffer along the southern facing boundary of the application site. The latter would assist in screening the development from the rear of properties in Leicester Road and Greys Close. The indicative layout suggests that the development would be largely inward-facing with rear gardens acting as a further buffer to the wider surrounding dwellings along Daisy Close.
- 9.12. The surrounding residential properties vary in terms of their siting, scale and design, with plots along Leicester Road and Greys Close occupying modest sized plots.
- 9.13. Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings requires at least 30 dwellings per hectare to be achieved within rural areas unless individual site characteristics indicate otherwise. Given the existing physical characteristics of the application site, as set out above, it is considered that there will be the opportunity to bring forward an acceptable detailed scheme and layout taking account of the flexibility that Policy 16 and Policy DM10 provide with regard to design and density issues.
- 9.14. Further detailed work on layout issues will be required on the siting and layout of dwellings; parking arrangements; how properties address internal roads; the mix of houses and appropriate levels of amenity space. As the layout of the proposal is not for consideration at this stage as part of this amended application, these layout issues can be addressed in detail at the reserved matters stage.
- 9.15. Given the above, it is considered that the site has the potential to accommodate a high quality and sustainable residential development to take account of the site characteristics and the character of the local area in accordance with Policy DM1 and DM10 of the adopted SADMP.

### Affordable Housing

- 9.16. In rural areas, Policy 15 of Core Strategy requires that 40% of the dwelling should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. The applicant is proposing to meet this requirement through its indicative scheme.
- 9.17. There is a recognised need for affordable housing in this area. Such provision would need to be secured by way of a S106 agreement, with a clause to ensure that applicants for affordable housing have a local connection to the parish of Groby in the first instance and in the second instance the borough of Hinckley and Bosworth.
- 9.18. It is anticipated that the affordable housing would be spread across the site to ensure a balanced and appropriate mix of market and affordable housing to accord with relevant planning policy.

### Impact upon Residential Amenity

- 9.19. Policy 10 of the adopted SAMP seeks to ensure that development does not adversely affect the privacy and amenity of neighbouring properties.
- 9.20. 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. As appearance, layout and scale are not for consideration at this stage; privacy, overshadowing and overbearing impacts resulting from the development cannot be assessed in detail. However, given the significant separation distances between the site and existing properties, it is considered that the development proposal would not have any significant impacts on residential amenity that could not be addressed at the reserved matters stage, when relevant detail designs will be subject to local consultation and planning assessment.
- 9.21. Subject to further details, it is considered that the development would be in accordance with Policy DM10 of the adopted SADMP with regard to impacts on neighbouring residential amenity.

### Highway Considerations

- 9.22. Policies DM17 and DM18 of the emerging SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 9.23. The application has been accompanied by a Transport Assessment. This has taken account of existing traffic conditions, accessibility, sustainable modes of transport, accidents and vehicular impacts.
- 9.24. Vehicular access would be provided from a priority junction with Leicester Road. This is the same location as the existing site access point. Leicester Road is an adopted road, approximately 7 metre wide, with residential development and pedestrian footpaths on both sides. The speed limit is 30mph. The existing access into the application site would be improved and widened to approximately 6.75 metres with footway provision on both sides.
- 9.25. The submitted transport assessment concludes that given the scale of the development proposed on the indicative plan there would be minimal effect upon



the local highway network. Leicestershire County Council (Highways) has no objection subject to the imposition of planning conditions. Given this context, the scheme is considered to be in accordance with adopted Policies DM17 and DM18 of the SADMP.

#### Infrastructure Obligations

- 9.26. The requirement for developer contributions must be considered against statutory requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL (regulation 122) requires that where developer contribution are requested they need to be necessary to make the development acceptable in planning terms, directly related to the development and fairly reasonably related in scale and kind of the development proposed. The following requests have been received:-

#### Education

- 9.27. Leicestershire County Council considers the proposed development is of a scale and size which would have an impact on local school provision. The site is within the catchment of Martinshaw Primary School, which would have a deficit of 10 pupil places generated by this development. There is currently 1 pupil place at this particular school being funded from S106, this reduced the deficit to 9 pupil places, of which 8 is created by this development and 1 is existing. There are three other primary schools within a two mile walking distance of the development. Overall, the deficit including all schools within a two mile walking distance of the development is 83 pupil places. Therefore the 8 pupil places generated by this proposal cannot be accommodated at nearby schools. A contribution has therefore been requested for £87,112.87 based on Department for Education cost multipliers on a formula basis. The contribution would be used to address existing capacity issues created by the proposed development. The request is considered to be directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 year of receipt of the final payment.
- 9.28. A Secondary School contribution request of £53,628.51 has been made for Brookvale High School. The school has a net capacity of 720 and 744 pupils are projected on roll should this development proceed; a deficit of 24 pupil places, 1 pupil place is included in the forecast for this school being funded from 106 agreements for other development in this area this reduces the deficit to 23 (of which 20 are existing and 3 are created by this development). There are no other high schools within a three mile walking distance of the site. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Brookvale High School.
- 9.29. No contribution has been requested for the Upper School Sector or Post 16 section.
- 9.30. Having assessed the above request, it is considered that the education contribution, based on the relevant cost multipliers, is directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of the final payment. However, given that further design work is required at the reserved matters stage, the final sums to be requested will need to be revisited. The S106 legal agreement at this stage should include an appropriate mechanism to calculate the final level of the contribution based on the detailed scheme that comes forward.

### Transport

- 9.31. A request has been made from Leicestershire County Council (Highways) for Travel Packs (£52.85 per pack) to inform new residents from first occupation what sustainable travel choices are available in the surrounding area. Bus passes at two per dwelling for a six month period are required to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. The Travel Packs are to be funded by the developer with two application forms for bus passes at £350.00 per pass.
- 9.32. Improvement are sought for the nearest bus stops on Leicester Road, Groby including raised and dropped kerbs to allow level access, supporting modern bus fleets with low floor capabilities, at £3263.00 per stop. A contribution of £120.00 for information display cases at the 2 nearest bus stops to inform new residents of nearest bus services in the area. A contribution of £4500 towards equipping the nearest bus stop with Real Time Information system to assist in improving and providing attractive public transport choices. It is considered that the request is directly, fairly and reasonable related in scale and kind to the development proposed.

### Library

- 9.33. Leicestershire County Council considered the proposed is of a scale and size which would have an impact on the delivery of library facilities within the local area. The nearest local library facility is Groby Library on Leicester Road, Groby under 400 metres away from the site. The library facilities contributions request is £910. Leicestershire County Council considers that the proposed development will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for materials, such as books, audio books, newspapers and periodicals for loan and reference use to account for additional use the proposed development.
- 9.34. Groby Library has an active borrower base of 1,317 people. Active users of Groby Library currently borrow on average 23 items a year. Leicestershire County Council consider that the proposed development is likely to generate an additional 44 plus users and would requires an additional 104 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service. It is considered that the library contribution request has not clearly demonstrated that the contribution is necessary and how increasing lending stock would mitigate any impact of the development on the library facility. The request is therefore not considered to be reasonable in this case.

### Health

- 9.35. It is considered that the development could result in an additional 73 patients to the local health centre. The local health centre is Groby Surgery located on Rookery Lane, Groby. The surgery is limited in terms of capacity, space and resources. It is considered that 73 patients would result in 1.92 hours per week for consulting rooms and 0.51 hours per week in treatment rooms. Contributions are requested towards refurbishment of the existing building and consulting rooms to create multifunctioning treatment rooms, which would increase in the number of services which can be offered to patients in each of the consulting rooms. A contribution request of £16,661.52 is requested.

9.36. It is considered that this contribution is necessary, fairly and reasonably related in scale and kind to the development proposed using Department for Health cost multipliers and was essential to relieve the impact of the development on health provision locally and provide for capacity to deal with the increased population that would arise as a result of this development.

Play and Open Space

9.37. Core Strategy Policy 8 states that new development should address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Groby. 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.

9.38. 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. As this application does not definitively specify the number of dwellings the exact provision of green space and play provision necessary for this development cannot be given at this stage.

9.39. In the first instance, the green space and play provision should be provided on site. However this is not always practical due to other factors, such as minimum sizes of types of green space/play provision, levels issues, awkward site shapes. 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 2011 census - 2.4 people per dwelling)	Off site provision per square metre	Maintenance contribution per square metre
Equipped Children's Play Space	3.6 m <sup>2</sup>	£145.08	£70.70
Casual/Informal Play Spaces	16.8 m <sup>2</sup>	£6.16	£5.30
Outdoor Sports Provision	38.4 m <sup>2</sup>	£13.76	£13.20
Accessibility Natural Green Space	40 m <sup>2</sup>	£6.16	£5.30

- 9.40. These contributions are considered reasonable in mitigating the impact of the proposed development upon the existing facilities and/or maintaining the green space and play provision provided on site. 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.

Civic Amenity

- 9.41. No contribution request has been made for the local civic amenity facilities.

Impact upon Drainage and Flood Risk

- 9.42. 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. The application has been accompanied by a Flood Risk Assessment (FRA) and the scheme has been considered by Leicestershire County Council (Drainage), Environmental Health (Drainage) and Seven Trent.
- 9.43. The applicant has submitted a 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. However levels within the site would be required to be addressed.
- 9.44. A surface water management system will be designed to accommodate a 5 year storm without surcharge and a 30 year storm without surface flooding. The surface water would be discharged into the watercourse to the north with outflow limited to 5l/s. The existing (adopted) surface water sewer which runs under the site from south west to north east will remain the responsibility of the Severn Trent Water, and will be monitored to ensure no damage is caused during construction. Given the south east corner of the site is an area of high risk for surface water flooding, site levels within the site are proposed to be managed. This would ensure that no additional run-off is channelled to that area.
- 9.45. Leicestershire County Council (Drainage) initially objected to the application as the site adjoins land that is susceptible to surface water flooding and the FRA had not adequately assessed the impact of the proposed development works on neighbouring properties to the site. Within its consultation response, Leicestershire County Council (Drainage) provided methods to overcome the objections raised. In response to this, an updated Flood Risk Assessment has been provided to overcome the objection.
- 9.46. The further information submitted identifies that the proposed development would not contribute to the historic flooding issues experienced to the south of the site and that surface water will be appropriately managed on site. Leicestershire County Council (Drainage) has assessed this information and now has no objections to the proposed development subject to the imposition of conditions relating to the scheme. These include the utilisation of using balancing ponds for holding surface water and drainage techniques in the form of treatment trains, which would limit the surface water run off, in addition to setting a minimum floor level. Planning

conditions to secure appropriate related provisions are considered necessary and reasonable.

- 9.47. Severn Trent Water have confirmed that it has no objections to the proposals subject to the inclusion of a condition for drainage details for surface and foul sewerage to be submitted to and approved in writing.
- 9.48. Given the above updated position, although it is identified that there have been some historic flood issues in the local area, it is not considered that the proposal would lead to harm to the quality of groundwater from surface or foul water, and would not cause or aggravate flooding in accordance with Policy DM7 of the SADMP.

#### Impact upon Ecology

- 9.49. 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.
- 9.50. The application has been accompanied by an Ecology Report. The content of this has been considered by Leicester County Council (Ecology). Leicestershire County Council (Ecology) has raised no objections to the proposed, and although the grassland and scrubland habitats have local value, the value is not significant in the context of the county and would not meet the Local Wildlife Site criteria. The site is flanked by the A50, a busy trunk road, to the north, and residential development to the south and east, unconnected to any good wildlife sites.
- 9.51. It is acknowledged that there will be a loss of habitat resulting from the development, especially for birds. However it is not considered that that this development would significantly impact on 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. Given there are suitable habitats on site, it is recommended that any site clearance should take place outside the bird nesting season (March – July inclusive) and an updated Badger survey be provided. It is also suggested that the open space and sustainable drainage features should be designed to optimise wildlife value to mitigate any loss of bird habitats, with appropriate planting of native trees and shrubs of value as bird-nesting and feeding habitats. Accordingly, subject to the imposition of appropriate planning conditions, the development would be in accordance with Policy DM6 of the adopted SADMP with regard to considering biodiversity and ecological issues.

#### Land Contamination and Pollution

- 9.52. Policy DM7 of the adopted SADMP seeks to prevent the risk of pollution resulting from development. The application was submitted with a noise report and, given the close proximity of the site to the A50, it is identified that mitigation measures would be required, in the form of enhanced glazing, mechanical ventilation, acoustic fencing or brick walling across the site. It is identified that careful consideration at the detailed design stage is required to locate living rooms and bedrooms appropriately. Given the proposed layout is indicative, it is necessary that a condition is imposed for a scheme of proposed noise mitigation to be submitted for

protecting proposed dwellings from road noise and that the scheme be completed prior to first occupation of the development.

- 9.53. Environmental Health (Pollution) has raised no objection to the proposal subject to the imposition of conditions relating to a scheme of investigation for any possible land contamination on site being carried out prior to the commencement of development.
- 9.54. Subject to those conditions is not considered that the proposed development would lead to an issue with contaminated land and would be in accordance with Policy DM7.

#### Impact upon Trees

- 9.55. Concerns have been raised by the tree officer concerning the loss of the trees on site which provide screening between the A50 and Leicester Road and Grey Close. It is acknowledged that the scheme would result in a loss of trees which were planted on the old carriageway to provide natural screening. However it is noted that the existing belt of tree planting would be retained to the north of the application site, thereby maintaining a natural buffer between the residential dwellings and the A50. It is also accepted that the development would provide an opportunity for the inclusion of a well designed landscaping scheme and, given the loss of trees, any subsequent application should seek to mitigate this loss through the incorporation of a high quality and sympathetically designed landscaping proposal. It is therefore not considered that the loss of trees would provide a reason not to support the proposal given the substantial retained planting and the mitigation that could be provided.

#### Other Matters

- 9.56. Street Scene Services (Waste) has raised no objections to the application, subject to a requested condition to secure the provision of waste recycling, storage and collection for the scheme. It is considered that this matter can be satisfactorily addressed through the detailed consideration of reserved matters submissions. Therefore a separate condition is not required for this outline proposal.
- 9.57. Concerns have been raised in respect of any subsequent development likely to result in subsidence and damage to neighbouring properties. Any damage which may be caused is not a material planning consideration and is deemed to be a civil matter between any affected parties.

### **10. Equality Implications**

- 10.1. Section 149 of the Equalities 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.
- 10.2. 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. There are no known equality implications arising directly from this development.

## **11. Conclusion**

11.1. This application site is allocated for residential development in the adopted SADMP. Given the above assessment, it is considered that the revised outline application is in accordance with the provisions of the allocation. The proposal therefore accords with this important provision within the Development Plan. It is also considered that with appropriate mitigation the proposal would not have a detrimental impact upon the highway network, ecology, neighbouring residential amenity, flood risk, land contamination and pollution, and would accord with other policies within the Development Plan. Relevant detailed matters can be further considered at the reserved matters stage. This outline application is therefore recommended for approval subject to conditions and appropriate contributions being secure through a S106 legal agreement.

## **12. Recommendation**

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

- The prior completion of a S106 agreement to secure the following obligations:
  - Affordable Housing - 40% on site and local connections
  - Education – Based on the DFE cost multiplier as follows:-
    - Primary School £12,099.01 per pupil at a pupil ratio of 0.24 per dwelling.
    - Secondary £17,876.17 per pupil at a ratio of 0.1 per dwelling.
  - Highways – Travel Packs - £52.82 per pack, 6 months bus passes, two per dwelling (average £350.00 per pass), new/improvements to 2 nearest bus stops (including raised and dropped kerbs to support modern bus fleets with low floor capabilities £3263.00 per stop, information display case at £120.00 per display, and Real Time Information system at the nearest bus stop £4500.
  - Health – To be confirmed through the late items on the committee agenda.
  - Public Open space – Based on number of dwellings and square meterage as set out in the section 8 of this report.
- Planning conditions outlined at the end of this report.

12.2. That the Chief Planning and Development Officer be given delegated powers to determine the final detail of planning conditions.

12.3. That the Chief Planning and Development Officer be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

### **12.4. Conditions and Reasons**

1. An application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not

later than two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:
  - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
  - b) The scale of each building proposed in relation to its surroundings.
  - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
  - d) The landscaping of the site including the provision of treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

**Reason:** This planning permission is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

3. No development shall commence until a Construction Transport Management Plan (TMP) is submitted to and approved in writing by the local planning authority. The plan shall set out details and schedule of works and measures to secure:-
  - a) cleaning of site entrance, facilities for wheel washing, vehicle parking and turning facilities;
  - b) the construction of the accesses into the site, the erection of any entrance gates, barriers, bollards, chains or other such obstructions; and
  - c) details of the route to be used to access the site, including measures to ensure a highway condition inspection prior to commencement and any required repair works upon completion of construction.

**Reason:** To ensure the protection of neighbouring residential amenity during construction to accord with Policy DM7 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.

4. No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

**Reason:** To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.



5. No development shall commence until such time as the 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:** In the interests of visual amenity, to accord with Policy DM10 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.

6. No development shall commence until drainage details for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full before the development is first brought into use.

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

7. No development shall commence until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve 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 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. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water the site in accordance with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.

8. Residential properties should have a minimum floor level of 300mm above the level for the 1 in 100 year surface water flood depth and ground levels within or adjacent to surface water flood risk should be in compliance with Section 8.3 the submitted Flood Risk Assessment received October 2015. .

**Reason:** To prevent the flooding of new properties from surface water flooding and not increase flood risk elsewhere in accordance with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.

9. 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:** In the interests of protecting the amenity of future occupiers from possible contamination to accord with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and development Management Policies Development Plan Document.

10. A validation report shall be submitted to and agreed in writing by the Local Planning Authority. The report shall detail the source of any soil to be imported on to site and shall include such details required to demonstrate that the soil will not lead to contaminated soil being brought on to site. Any works so approved shall be carried out prior to the site first being occupied.

**Reason:** In the interests of protecting the amenity of future occupiers from possible contamination to accord with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and development Management Policies Development Plan Document.

11. No site clearance shall commence until such time as an updated Badger Survey has been carried out on site and has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved survey and any mitigation measures.

**Reason:** To ensure the impact upon protected species on site are identified and mitigated accordingly in accordance with DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document and Paragraph 109 of the NPPF.

12. No vegetation shall be removed on site during the bird nesting season (1st March - 31st July inclusive).

**Reason:** To ensure the development does not have a detrimental impact upon nesting birds in accordance with DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document and Paragraph 109 of the NPPF.

13. The gradient(s) of the access drive(s) shall not exceed 1:12 for the first 5 metres behind the highway boundary.

**Reason:** To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document.

14. Before first occupation 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 thereafter shall be so maintained.

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

15. Before first occupation of any dwelling hereby permitted, turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.

**Reason:** To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Plan Policies Development Plan Document.

16. Before the development commences, details of satisfactory pedestrian visibility splays at the junction of each private access with the main access road shall be submitted to the LPA for approval in writing. Before the first occupation of each dwelling, the approved pedestrian visibility splays in connection with the access serving that dwelling shall be provided with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety to accord with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Plan Policies Development Plan Document.

17. Before first use of the development hereby permitted, visibility splays of 2.4 metres by 47 metres shall be provided at the junction of the access with Leicester Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

**Reason:** To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

18. Any shared private drive serving more than 25 dwellings shall be a minimum of 5.5 metres wide for at least the first 5 metres behind the highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained. NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway to accord with Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

19. Notwithstanding the conclusions of the noise report submitted with the application, development shall not begin until a scheme for protecting the proposed dwelling from road noise has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of first occupations of any of the dwellings.

**Reason:** To ensure the development does not have an adverse impact on the amenities of the proposed properties in terms of noise to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document.

12.5. **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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.