

Planning Committee 15 August 2017
Report of the Head of Planning and Development



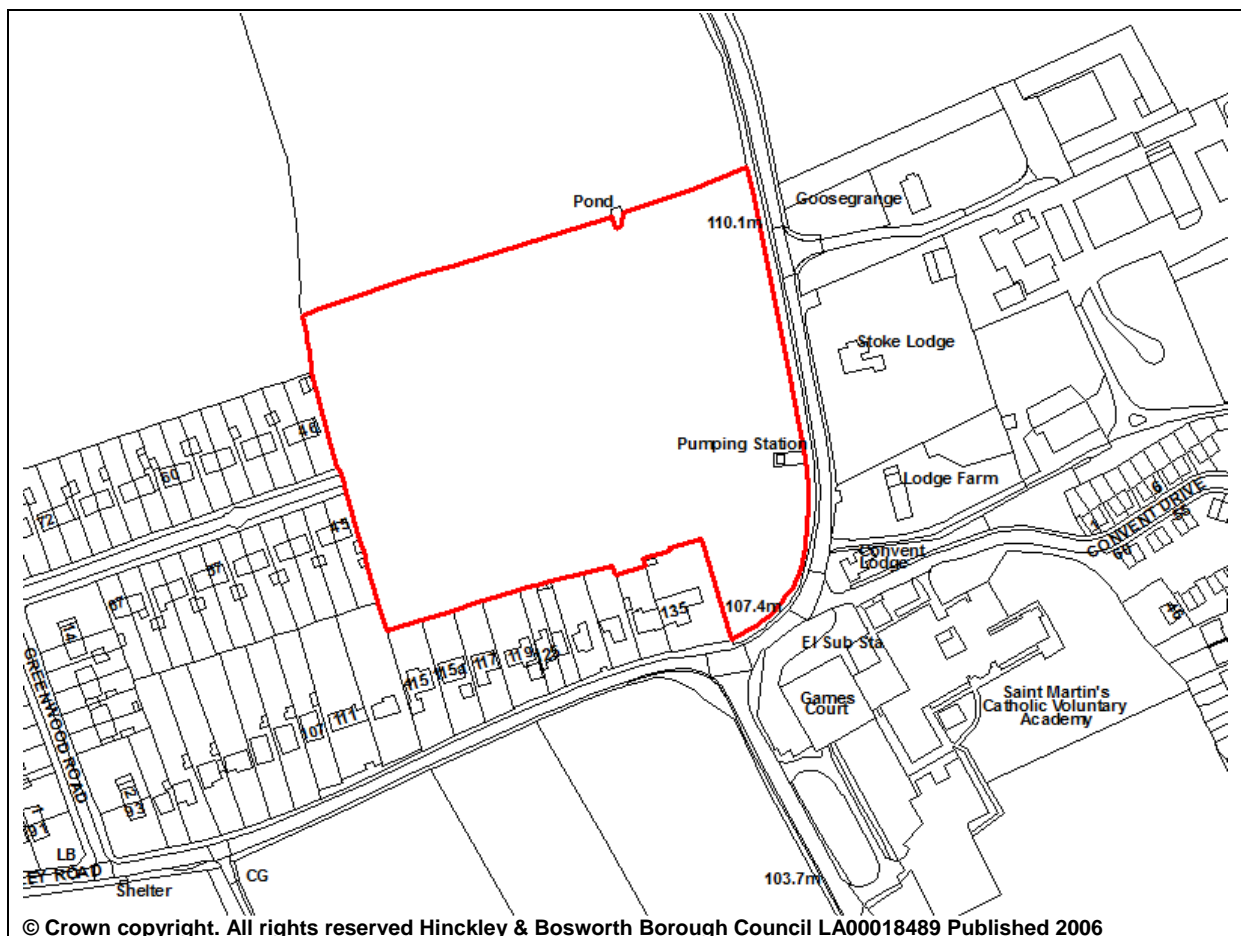
Hinckley & Bosworth
Borough Council

A Borough to be proud of

Planning Ref: 16/01058/CONDIT
Applicant: Mr Earley
Ward: Ambien

Site: Land Off Hinckley Road Stoke Golding

Proposal: Variation of Condition 1 of planning permission 16/00212/CONDIT to amend siting of plots 49 - 71 with associated substitution of house types



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a Section 106 agreement to amend the quantity and tenure mix of affordable housing provision on the site, and link the proposed development with the planning permissions listed below. All other requirements of the current legal document completed under the original outline planning permission for the scheme (ref: 14/00262/OUT) shall be carried forward.
 - 14/00262/OUT
 - 15/00073/REM
 - 16/00342/CONDIT

- 16/00472/CONDIT
 - 16/00212/CONDIT
 - 16/01058/CONDIT
 - 17/00130/FUL
- Planning conditions outlined at the end of this report.
- 1.2. That the Head of Planning and Development be given powers to determine the final detail of planning conditions.
- 1.3. That the Head of Planning and Development be given delegated powers to determine the final terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

2.1. This is an application to vary condition 1 of planning permission 16/00212/CONDIT, which relates to the approved plans for the scheme.

2.2. This condition reads as:

- 1) The development approved shall be carried out in accordance with the submitted details as follows:-

Dwg No. E169/P/PL01 Rev P - Site Layout Plan (amended)
 Dwg No. HRSG-OS Rev A - Site Location Plan
 Dwg No. E169/P/MP01 Rev D - Materials Plan
 Dwg No. E3373/501 Rev C - Drainage Strategy Plan
 Dwg No. MM2633.01_B - Proposed Landscaping Plan
 Dwg No. E169/P/BS01 Rev B - Bedroom Size Plan
 Dwg No. E169/A/AH01 - Affordable Housing Plan
 Dwg No. Q3492_D - Proposed LEAP Plan
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 Dwg No. 2631.TPP Rev B - Proposed Tree Protection Plan
 Dwg No. E169/P/GAR_01 - Garage Plans and Elevations
 Dwg No. E149/P/CARP_01 - Carport Plans and Elevations
 Dwg No. E169/P/BIN_01 - Binstore Plans and Elevations
 Dwg No. E169/P/HTAPP/01 - Appleton 2 House Type Elevations
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 Dwg No. E169/P/HTR1/01 - R1 1 Bed House Type Floor Plans
 Dwg No. E169/P/HTR1/02 - R1 1 Bed House Type Floor Plans

- 2.3. The residential development was originally granted under outline planning permission 14/00262/OUT and subsequent approval of reserved matters 15/00073/REM. Following this, there have been three applications to vary the scheme, including amendments to the layout and the removal of an oak tree on site.
- 2.4. The most recent variation of planning permission (ref: 16/00212/CONDIT) was granted for the removal of an oak tree to the south-east of the site on 4 November 2016.
- 2.5. This variation seeks to amend the site layout further, re-configuring a section of highway and the associated re-siting of dwellings to the northern edge of the site. The scheme would result in one additional dwelling to the site, which is subject to a separate application for full planning permission for one new dwelling (17/00130/FUL).
- 2.6. Following initial concerns raised by the Local Planning Authority and Leicestershire County Council (Highways), an amended layout plan (Site Layout E169/P/PL01 Rev X) received on 27 March 2017, has been submitted for consideration.

- 2.7. The application also seeks to amend the affordable housing provision previously agreed by the original planning permission for the scheme (ref: 14/00262/OUT). The original scheme secured a provision of 40% of the total number of dwellings constructed, and comprising 75% social rented or affordable rented, and 25% intermediate housing. A viability assessment has been submitted by the developer to demonstrate that the original provision is no longer achievable.
- 2.8. There is another application elsewhere on the agenda related to this site for the erection of one new dwelling to the north-west corner of the application site (17/00130/FUL).

3. Description of the Site and Surrounding Area

- 3.1. The site was previously agricultural land, however is currently under development following the approval of the outline and reserved matters applications for the residential scheme.
- 3.2. The site is situated within Stoke Golding, and is approximately 3.1 hectares in size.

4. Relevant Planning History

10/00408/OUT	Residential development (outline - access only)	Refused Appeal Dismissed	20.08.2010 10.05.2010
14/00262/OUT	Residential development (outline - access only)	Permitted	27.01.2015
15/00073/REM	Application for approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 14/00262/OUT for residential development of 80 dwellings	Approval of Reserved Matters	23.12.2015
16/00212/CONDIT	Removal of condition 2 of planning permission 15/00073/REM to allow for the removal of an oak tree NT1	Permitted	04.11.2016
16/00342/CONDIT	Variation of condition 1 of planning permission 15/00073/REM to amend positioning of plots 75-80 due to the Water Main Easement with plot 76 house type substituted	Permitted	21.07.2016

16/00472/CONDIT	Variation of condition 1 of planning permission 15/00073/REM to amend plots 42-44 from 3 dwellings to 5 dwellings	Permitted	06.09.2016
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5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

5.2. Representations have been received from four members of the public, raising the following objections:-

- 1) Re-location of affordable housing is not acceptable
- 2) Adverse impact of the construction of development on neighbouring properties, in terms of noise, dust, and general disturbance
- 3) Would result in an increase to the number of dwellings on site
- 4) Stoke Golding does not need more houses
- 5) Would result in parking on Sherwood Road
- 6) Proposed housing is not integrated well on site
- 7) Would impact on views from neighbouring properties to the site
- 8) Would result in a loss of privacy to neighbouring properties
- 9) No justification submitted to change the layout
- 10) Would result in overshadowing impacts to neighbouring properties
- 11) Would have a detrimental impact on the quality of life of residents
- 12) The developer intends to expand the residential development into the adjoining field to the north of the site

6. Consultation

6.1. Stoke Golding Heritage Group have objected to the application, raising the following concerns:-

- 1) The proposal would result in an increase to the number of dwellings on site
- 2) There is no requirement for more housing within Stoke Golding

6.2. No objections have been received from:-

Stoke Golding Parish Council
Leicestershire County Council (Ecology)
Leicestershire County Council (Archaeology)
Leicestershire County Council (Drainage)
Severn Trent Water (Ltd)
Arboricultural Officer
Affordable Housing Officer
Environmental Health (Pollution)
Environmental Services (Drainage)
Street Scene Services (Waste)
Leicestershire County Council (Highways)

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- 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 DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design, scale and layout
- Impact upon neighbouring residential amenity
- Highway considerations
- Previously imposed planning conditions
- Developer contributions
- Other matters

Assessment against strategic planning policies

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (see section 38(6) planning and Compulsory Purchase Act 2004) Paragraphs 12 and 13 state that the development plan is the starting point for decision taking and that the NPPF is a material consideration in determining applications.

8.3. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies (SADMP) 2016.

8.4. Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This is reflected in DM1 which provides for the same presumption in respect of applications which accord with the development plan

8.5. The principle of the additional dwelling to the site is appraised under the separate application 17/00130/FUL.

8.6. The principle of development for existing dwellings on site has already been established through the approved outline planning permission (our ref: 14/00262/OUT). This permission was subject to the subsequent approval of reserved matters (our ref: 15/00073/REM) and S106 agreement to secure

infrastructure obligations and developer contributions. These have now been approved.

- 8.7. It is therefore considered, the proposal is acceptable in principle subject to all other planning matters being addressed.

Design, scale and layout

- 8.8. Policy DM10 requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.9. Concerns have been raised for the proposed amended layout, in regard to the re-location of the affordable housing units, the increase in the number of dwellings, and the lack of integration of the dwellings on the site.
- 8.10. The development would result in the re-configuration of the layout to the north-west corner of the site. The scheme as approved under the reserved matters application indicated two side roads off the main estate road through the site to the North West section. This revised layout now proposes one side road. The proposed layout would incorporate the additional dwelling proposed under application 17/00130/FUL.
- 8.11. The dwellings proposed along the northern boundary of the site are large, detached dwellings with a range of designs. The revised layout will result in the realignment and re-siting of dwellings to this northern section; however, it is considered that the proposed layout would enhance the northern boundary, providing an attractive outlook when viewed from the north of the site.
- 8.12. Further, the proposed house types and orientation on the plot would result in no overlooking, overshadowing or overbearing impacts to any future residents.
- 8.13. Therefore, the proposal would be in accordance with Policy DM10 of the SADMP in this respect.

Impact upon neighbouring residential amenity

- 8.14. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.15. Objections have been raised in relation to the development resulting in adverse overshadowing impacts and loss of privacy to neighbouring properties.
- 8.16. The neighbouring property along the north-west boundary with the site is No. 46 Sherwood Road, which would share the boundary with Plots 63 and 49 of the development site.
- 8.17. Notwithstanding the fact that Plot 63 is subject to planning application 17/00130/FUL, given the siting of the plot to the bottom end of No. 46, and the positioning of the garage and dwelling on the plot, it is not considered to have any adverse impact on No. 46, in terms of overlooking, overshadowing or overbearing impacts.
- 8.18. The separation distance between No. 46 and the proposed Plot 49 would be a minimum of 9.5 metres. The dwelling proposed on Plot 49 would extend past the original building line of No.46, however, given the distance between the dwellings, would not result in any adverse overbearing or overshadowing impacts to this neighbour. Further, the windows that would face No. 46 from the western elevation of the dwelling proposed on Plot 49 would serve bathrooms, and thus would not result in any adverse overlooking impacts.
- 8.19. Therefore, the development would be in accordance with Policy DM10 of the SADMP in this respect.

Highway considerations

- 8.20. Policy DM17 of the SADMP states that all new development should in be accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.21. Concerns have been raised in regard to the development leading to an increase in on-street parking, particularly along Sherwood Road. The proposed layout demonstrates off-road parking provision for each dwelling, which reduces the need for vehicles to be parked on the road. In any case, on-street parking is not restricted within this area as it is a residential area.
- 8.22. The proposed layout would include the creation of a new access from the main road through the development, which would split at the north boundary of the site to serve two shared drives. It is proposed that this access is to be adopted by the Highway Authority. Leicestershire County Council (Highways) raised concerns initially with the dimensions and material composition of the proposed road. However, following the submission of the revised Site Layout Plan (E169/P/PL01 Rev X) received on 27 March 2017; LCC have confirmed that the revised layout would be acceptable and suitable for adoption, subject to the completion of a Section S38 technical appraisal.
- 8.23. The development is therefore considered to be in accordance with Policies DM17 and DM18 of the SADMP.

Previously imposed planning conditions

- 8.24. It is necessary to consider whether or not it is appropriate to re-impose the original conditions attached to the permission. The original consent was subject to one condition.
- 8.25. Condition 1, concerns the plans for the development, which is proposed to be varied within this application. The variation would be for the replacement of the previously approved Site Layout Plan (Drg. No. E169/P/PL01/Rev P – Site Layout Plan). Therefore, the condition would be re-worded in accordance with the proposed Site Layout plan (Drg No. E169/P/PL01 Rev X) received 27 March 2017, and would be re-imposed.

Developer contributions

- 8.26. Policy 15 of the Core Strategy sets out the provision of affordable housing for new development. The Affordable Housing SPD provided further information on this.
- 8.27. Policy 19 of the Core Strategy and Policy DM3 of the SADMP require developers to contribute towards infrastructure, amenities and facilities where the need is created through new development.
- 8.28. The original outline application for the residential scheme (ref: 14/00262/OUT) was granted subject to the completion of a Unilateral Undertaking that sought developer contributions through appropriate funding for improvements to Education, Public Transport, Play and Open Space and Affordable Housing.
- 8.29. A viability assessment has been submitted with this application, to demonstrate that the affordable housing provision previously agreed for the site is no longer viable. In addition the applicant has had problems with getting a Registered Provider to take on the units once constructed. The original scheme secured a provision of 40% of the total number of dwellings constructed which equated to 32 units, and comprising 75% social rented or affordable rented, and 25% intermediate housing.
- 8.30. The viability assessment has been independently assessed by a Council appointed viability assessor and there have been extensive discussions between the developer and the Council, in attempt to secure the best possible provision on site.

The revised offer is 16, 2 and 3 bedroom units for affordable rent on site. The Affordable Housing Officer has raised no objections to this figure, and it is considered that this secures the maximum amount of affordable housing that the site can viably support.

- 8.31. The application for the erection of a new dwelling at the north-west corner of the site (ref: 17/00130/FUL) would result in an additional contribution towards Play and Open Space. In the interest of clarity, all matters above are to be included under the same Section 106 agreement, which would tie together all applications (proposed and previously granted).

Other matters

- 8.32. In regard to the comments concerning the noise, dust and disturbance caused through the construction of the development, all construction carried out is to be in accordance with the submitted and approved Construction Management Plan attached to condition 17, and in accordance with the hours specified in condition 4 of the original outline permission for the site (ref: 14/00262/OUT).
- 8.33. In regard to the comments stating that Stoke Golding does not require any more houses and that the development would result in an increase to the number of dwellings on site, this is dealt with within a separate application for planning permission (ref: 17/00130/FUL).
- 8.34. In regard to the comments concerning the views of the development from neighbouring properties, this is not a planning consideration and cannot be taken afforded any weight.
- 8.35. In regard to the comments regarding the lack of justification for the proposed amendments to the previously approved scheme, the applicant has the right to propose to vary any permission granted.
- 8.36. In regard to the comments concerning the developer's intention to expand the residential site to the north, any application received would be considered by the Local Planning Authority. Any permission granted would be subject to all planning matters being suitably addressed.

9. Equality Implications

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

10. Conclusion

- 10.1. The proposed variation of condition 1 of planning permission 16/00212/CONDIT would be considered acceptable. The application is considered to be in accordance with Policies DM1, DM3, DM4, DM7, DM10, DM17 and DM18 of the SADMP, and the overarching principles of the NPPF, and is therefore recommended for approval, subject to conditions.

11. Recommendation

11.1. Grant planning permission subject to:

- The prior completion of a Section 106 agreement to amend the quantity and tenure mix of affordable housing provision on the site, and link the proposed development with the planning permissions listed below. All other requirements of the current legal document completed under the original outline planning permission for the scheme (ref: 14/00262/OUT) shall be carried forward.
 - 14/00262/OUT
 - 15/00073/REM
 - 16/00342/CONDIT
 - 16/00472/CONDIT
 - 16/00212/CONDIT
 - 16/01058/CONDIT
 - 17/00130/FUL
- Planning conditions outlined at the end of this report.

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

- 11.3. That the Head of Planning and Development be given delegated powers to determine the final terms of the S106 agreement including trigger points and claw back periods.

11.4. Conditions and Reasons

1. The development approved shall be carried out in accordance with the submitted details as follows:-

Dwg No. E169/P/PL01 Rev X- Site Layout Plan (received 27 March 2017)
Dwg No. HRSG-OS Rev A - Site Location Plan
Dwg No. E169/P/MP01 Rev D - Materials Plan
Dwg No. E3373/501 Rev C - Drainage Strategy Plan
Dwg No. MM2633.01_B - Proposed Landscaping Plan
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Reason: To ensure a satisfactory impact of development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

11.5. **Notes to Applicant**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. This permission is subject to a Section 106 agreement.