

**Planning Committee 20 October 2020
Report of the Planning Manager**

Planning Ref: 20/00711/REM

Applicant: Miller Homes Limited and Platform Housing Limited

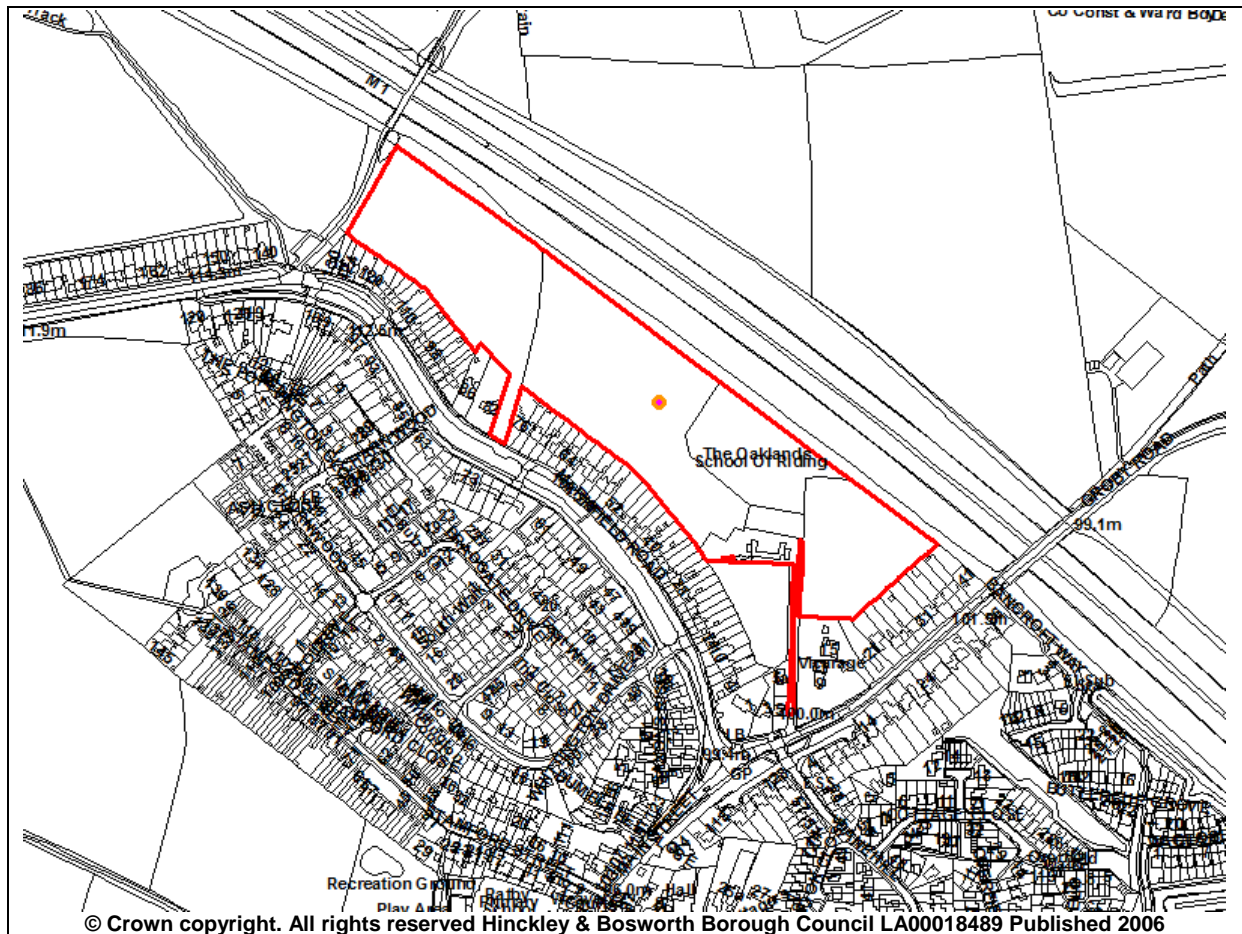
Ward: Ratby Bagworth And Thornton



**Hinckley & Bosworth
Borough Council**

Site: Springfield Riding School Groby Road Ratby

**Proposal: Approval of Reserved Matters (appearance, landscaping, layout and scale)
of application 19/00680/OUT for erection of 168 dwellings**



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

2. Planning application description

- 2.1.** The proposal relates to the approval of reserved matters following outline planning permission granted under ref: 19/00680/OUT for a residential development of up to 168 dwellings. A detailed access plan showing a new road off Markfield Road has already been considered and approved under this outline permission.

- 2.2. The housing mix proposed comprises 72 shared ownership properties and 96 affordable rented properties. The properties proposed are a mix of 8 x one bed houses, 60 x 2 bed houses, 10 x 2 bed bungalows, 70 x 3 bed houses and 20 x 4 bed houses. The properties proposed are of traditional construction comprising predominantly facing bricks with roofing tiles. All of the properties would be built to a height of two-storeys with the exception of the 10 adaptable bungalows.
- 2.3. The site layout plan shows the development of 168 properties would be predominantly arranged into six perimeter blocks along with ribbon development along the main access road which would back onto the existing properties along Markfield Road. All of the properties would either face onto roads or parking forecourts. Some of the properties would have small front gardens whereas others would have parking along the frontage. All of the properties would have rear gardens of at least 9 metres in length.
- 2.4. Areas of open space are proposed across the site but predominantly to the north east of the site where a large area of land would remain undeveloped. Two attenuation ponds are proposed in this area of open land along with an equipped play area some 506m² and the retention of the emergency access and footpath onto Groby Road. A further equipped play area some 210m² would be provided within the centre of the site along with a third attenuation area. All the proposed development would be at least 3 metres away from the boundary edge of the site which would allow the retention of the existing field hedgerows. An acoustic fence some 3 metres high would replace the existing post and rail fencing along the boundary with the motorway along with planting along this boundary.
- 2.5. The proposal includes the construction of a footpath link into the western boundary of the site near Martinshaw Woods which would link the proposed development to the existing footpath R38/1. There would also be an internal pedestrian/cycle access constructed towards the southern boundary of the site to link in to Groby Road.

3. Description of the site and surrounding area

- 3.1. The application site is delineated by the M1 motorway at its northern boundary. This northern site boundary is defined by mature tree cover which lines the southern edge of the M1 embankment which falls steeply from the site boundary by circa. 8m to the Motorway. The rear gardens of residential properties which front onto Markfield Road form the southern boundary of the application site with the rear gardens of properties along Groby Road forming the eastern boundary. The western boundary is defined by the public footpath alongside Martinshaw Wood. The Oaklands School of Riding occupies the southern portion of the site and this riding school is accessed via a private access road onto Groby Road. The built development and major infrastructure links give the area its semi-rural character.
- 3.2. The site slopes gently from west to east falling from a height of circa. 109m AOD on the western site boundary to circa. 103m on the eastern site boundary. The site also falls from the northern boundary with the M1 Motorway corridor from circa. 108m AOD to circa. 105m AOD within the central Site area. The site is not currently publicly accessible and there are no Public Rights of Way running through the site. However, there are a number of public rights of way within close proximity to the site including footpath R38/1 which lies to the immediate west of the Site on the edge of Martinshaw Wood.
- 3.3. The majority of the site lies within the National Forest. The site is also located within Landscape Character Area A – Charnwood Forest Settled Forest Hills (LCA – A) in the Landscape Character Assessment (2017) and lies immediately adjacent to Urban Character Area 8 – Ratby. The key characteristics of LCA – A in relation to

the site are the small to medium scale field patterns interspersed with large areas of woodland cover and large clustered villages.

4. Relevant planning history

19/00680/OUT

- Residential development up to 168 dwellings (Outline - access only) with associated means of access onto Markfield Road and Groby Road, car parking, new footpath links, amenity space and landscaping
- Outline Planning Permission
- 26.06.2020

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. Objection letters have been submitted from four households raising the following issues:
- 1) The road network cannot cope with this additional traffic
 - 2) The local services including the schools and doctors are already operating above capacity and cannot cope with any additional residents
 - 3) Development on this site would reduce the amount of green space in the area
 - 4) The ecological value of the site has not been considered correctly
 - 5) There is false information on the movement of slow worms and their habitat
 - 6) The landscaping proposed is poor quality and existing vegetation needs to be retained
 - 7) There is flooding on the site which needs to be addressed
- 5.3. One letter of support has been received from a local resident supporting the creation of play area facilities and open space on the site.

6. Consultation

- 6.1. LCC Lead Flood Authority has been consulted on the amended plans submitted in response to their concerns about the ground levels for the proposed location of Plots 138 – 141 which may be at risk of flooding. These comments will be reported to the planning committee as a late item.
- 6.2. LCC Ecology has requested amendments to the wildflower planting areas and the CEMP (which is the subject of a separate discharge of conditions application).
- 6.3. No objections have been received from:
- HBBC Affordable Housing Officer
 - LCC as Highway Authority
 - Highways England
 - HBBC Compliance and Monitoring Officer
 - HBBC Waste Services
 - HBBC Environmental Services (Pollution) – subject to conditions
 - HBBC Drainage Services
 - National Forest Company
- 6.4. No comments have been received from:
- Ratby Parish Council
 - LCC Archaeology
 - Woodland Trust

HBBC Arboricultural Officer
Severn Trent Water Ltd

- 6.5. University Hospitals of Leicester NHS has requested a contribution of £45,124.00 towards healthcare provision.

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 17: Rural Needs
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 21: National Forest

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 DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Landscape Character Assessment (2017)
- Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA)
- Affordable Housing SPD (2011)
- Open Space and Recreation Study (2016)
- Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Ecology
- Highway Safety
- Open Space Provision
- Other Matters

Design and impact upon the character of the area

- 8.2. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.3. Policy DM10 of the adopted SADMP seeks to ensure that proposals complement or enhance surrounding development through materials, design and architectural features.
- 8.4. The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design in new residential development.
- 8.5. The application site lies within the Charnwood Forest Landscape Character Area (LCA – A). This is characterised by a prominent elevated landform, diverse land uses, woodland cover of varying age including mature ancient woodland, small to medium scale field pattern interspersed with large areas of woodland cover. LCA – A is further characterised by its large clustered villages with strong suburban influences and distinct views to the urban edges of Leicester and its proximity to Leicester City and major transport infrastructure. The site is not a 'valued landscape' for the purposes of Paragraph 170 of the NPPF, does not have any national or local designations and is not unique or remarkable for any landscape purposes.
- 8.6. The landscape strategies for this area are to ensure extensions are well integrated within this wooded landscape, to support the National Forest Strategy and to conserve the distinct and separate identity of Groby and Ratby, including the rural gap that separate the villages.
- 8.7. The application site also lies immediately adjacent to the urban area of Ratby which is identified as Urban Character Area 8 (UCA-8) within the Landscape Character Assessment. The key characteristics of Ratby as relating to the application site are that it is a historic hilltop settlement with open countryside setting to the west and south, its compact streetscene of narrow lands within the historic core which contrast sharply with the expansive design of later roads such as Markfield Road and the M1 as a strong urban influence.
- 8.8. The application proposal would replace open pasture land and an equestrian use with residential built form which would cause harm to the landscape setting of the site. Mitigation measures have been incorporated into the proposed layout of the scheme to minimise this harm. The mitigation measures include the retention and enhancement of all of the existing boundary vegetation with the exception of the removal of the hedgerow and some trees along Markfield Road to facilitate the construction of the access road into the site.
- 8.9. A width of at least 5 metres around the northern, eastern and north-western boundaries of the site would remain free of development to allow the planting of new native mixed hedgerows in areas of the site without hedgerows along with species-rich grassland and tree planting to soften the boundaries of the site. The tree planting proposed along the western boundary with Martinshaw Wood and the motorway boundary to the north along with the setting back of the built development would also shield some views of the housing development from the surrounding land.
- 8.10. The land to the east of the site behind Groby Road would remain undeveloped with the existing hawthorn mixed hedgerow remaining. A large area of land to the west

of this hedgerow would also remain free from built development with species rich grassland planted around the equipped play area proposed. Therefore, with the existing hedgerows and trees being retained and reinforced and new planting providing high quality landscaping which would also incorporate increased connectivity through the creation of footpath networks and links through the site to the wider area, the layout of the development has taken in to account the key sensitivities of the LCA.

- 8.11. The application site does have a varied topography and the outline planning permission required that the details of all finished floor levels were submitted and agreed in writing by the Council as part of a pre-commencement condition. Nine cross sections have been provided across the site which includes several of the existing properties along Markfield Road. The proposed finished floor levels for the plots backing onto the existing properties from numbers 98-130 Markfield Road would have a similar finished floor levels as the existing properties. Other plots backing onto the properties along Markfield Road would have a finished floor level between 1-2 metres higher than these existing properties. To ensure that the proposal would not have an overbearing impact on these existing properties, the proposed layout includes either bungalows, an area of open space or orientating the proposed properties at an angle where the finished floor levels would be approximately 2 metres higher. In these areas the existing gardens on Markfield Road are in excess of 20 metres in length and in some cases up to 32 metres in length. Coupled with the depths of the rear gardens proposed for the new plots being a minimum of 9 metres in length and the mitigation measures explained above, it is considered that this intervening distance with a landscaped buffer would result in the proposed layout not having an overbearing impact on the street scene and the outlook from these properties. The pre-commencement condition attached to the outline scheme does require that the housing scheme is implemented in accordance with the finished floor level plans to ensure that this satisfactory relationship with the buildings along Markfield Road is achieved.
- 8.12. The existing residential dwellings surrounding the site comprise a mix of detached dwellings, semi-detached and terraced dwellings and detached bungalows sited with front gardens, many of which are used as parking areas. The proposal is to retain the vegetation around the majority of the site along with setting any development back from these boundaries. Additional planting and landscape buffers are also proposed and form part of the landscape plan submitted. These mitigation measures would maintain the site's existing mature and open character which contributes to the semi-rural character of the area.
- 8.13. The properties proposed are of a traditional design comprising predominantly facing brickwork with roofing tiles to reflect the design of the adjoining residential properties. Plots 64 and 65 are proposed to be focal buildings as these plots would be visible through the gap created by the access road onto Markfield Road. These plots would have a rendered finish with brick headers, pitched roof canopy over front door and brickwork above the foundations with feature header.
- 8.14. A plan showing 3 indicative street scenes has been submitted with the proposal. This shows the variation in roof styles including hipped roofs, front facing pitch and side facing pitched roofs. Corner properties have been designed to have dual-frontages as required by the Council's Good Design Guide SPD to create variety and rhythm within the street scene. Where possible, parking areas are set between dwellings in order to reduce the visual impact of cars on the street scene. Landscaping is proposed along parts of the internal roads to soften the built development. Dwellings are orientated to maximise views over the landscaped buffer and the public open space to improve natural surveillance of these areas.

- 8.15. The housing mix proposed comprises 72 shared ownership properties and 96 affordable rented properties. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. Policy 15 seeks the provision of a minimum of 40% affordable housing on all sites in rural areas and this was included in the signed Section 106 Agreement for the outline planning permission which stated that a minimum of 40% of the housing should be affordable housing.
- 8.16. This proposal is for 100% of the housing to be affordable housing units including 1-bed, 2-bed, 3-bed and 4-bed properties. Whilst the development would exceed the requirement for a minimum of 40% of the housing to be affordable housing, the proposal would involve the construction of a high percentage of shared ownership properties being 43% of the housing proposed which would allow buyers to enter the housing market. The mix and tenure has been agreed with HBBC's Affordable Housing Officer. Therefore, this mix of housing types and tenures would comply with the requirements of Policy 16 of the Core Strategy.
- 8.17. It is therefore considered that the design, layout, design and landscaping details as submitted along with the improvements to landscaping and ecological enhancements would result in the development not being unduly intrusive to the wider countryside. This is the same conclusion which was reached when the outline planning proposal was determined where a residential scheme was found to have limited harm on the countryside. Whilst there would be some conflict with Policy DM4 of the SADMP (2016), the mitigation measures submitted with this reserved matters scheme would ensure that the development complemented the character of the surrounding area as required by Policy DM10 of the SADMP (2016) and advice in the Council's Good Design Guide SPD.

Impact upon neighbouring residential amenity

- 8.18. Policy DM10 of the adopted SADMP seeks to ensure that development does not adversely affect the amenity of occupiers of neighbouring properties.
- 8.19. Whilst there are existing dwellings adjoining the site boundary and there is a variation in ground levels on parts of the site, as explained in paragraph 8.11, the proposed layout ensures that the finished floor levels would either be similar to the properties along Markfield Road or where this is not achievable, no more than 2 metres higher than these properties. In locations where the finished floor levels are 2 metres higher than the existing properties, the scheme has been designed to ensure that these properties are either bungalows or orientated so that they are at an angle to these properties. An area of open space is also proposed in this area. The existing properties in Markfield Road in these locations have gardens in excess of 20 metres in length. Coupled with the depths of the rear gardens proposed for the new plots being a minimum of 9 metres in length, it is considered that this intervening distance with a landscaped buffer along with the mitigation measures mentioned above would result in the proposed layout not having an overbearing impact on the outlook from these properties.
- 8.20. In addition to the above, all of the minimum distances between habitable windows on the new properties and the existing properties along Markfield Road, as laid out in the Council's Good Design Guide SPD, would be exceeded. Ten of the properties along this boundary would also be single storey properties. As such, any impact of overlooking onto these properties would be minimal.
- 8.21. The majority of the internal layout of the proposal has been designed to comply with the minimum standards laid out in the Council's Good Design Guide SPD. This includes rear garden with a minimum depth of 9 metres which exceeds the guide's

recommendation of 7 metres. The distances between first floor principal windows are also in accordance with the standards set in the guide of 21 metres with the exception of the distance between Plots 45-47 and Plots 52-53 where the distance would be 20 metres between first floor principal windows. To compensate for this reduction in distance of 1 metre, Plots 52 and 53 have been orientated so that they are angled away from the principal windows of Plots 45-47. It is considered that whilst the measurement does not meet the standard as laid out in the Council's Good Design Guide SPD, in this instance, the layout would not result in loss of privacy to the future occupiers of these plots.

- 8.22. The use of perimeter blocks ensures that each plot has been designed to minimise the impact of overlooking whilst providing some surveillance over rear gardens, parking forecourts and areas of open space. Indeed, the layout proposed would assist in providing security and so designing out crime in these areas in accordance with the advice in the Good Design Guide SPD.
- 8.23. In order to protect future occupants of the site from noise pollution arising from the proximity of the site to a motorway, the proposed housing layout has been designed in consultation with the applicant's Noise Consultant and with the Council's Environmental Services (Pollution) Officer. The proposed layout showing car parking areas between the housing and the motorway does assist in reducing noise levels at the houses in addition to the internal noise mitigation measures proposed within the properties and the construction of the acoustic fencing alongside the motorway boundary.
- 8.24. The construction of the development would be temporary and would not result in any long term impacts on amenity. However, by virtue of the scale of development, the proximity to existing residential properties and potential duration of the construction phase, as recommended by the Council's Environmental Health (Pollution) a condition was included on the outline consent to secure the submission of a Construction Environmental Management Plan for approval by the local planning authority prior to any construction work taking place to protect the amenities of neighbouring properties and minimise any adverse impacts. A condition was also imposed on the outline permission for the submission and approval of a construction traffic management plan to protect the amenity of neighbouring properties.
- 8.25. Based on the above, the proposal would not have a significant adverse impact on the residential amenity of either nearby residential properties or on the future occupiers of the site. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP.

Ecology

- 8.26. Policy DM6 of the SADMP (2016) states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.
- 8.27. Policy 21 of the Core Strategy requires that to support the implementation of the National Forest, proposals that contribute to the delivery of the National Forest Strategy will be supported.
- 8.28. As a result of public consultation, objections have been received on the grounds of potential loss of existing trees and hedgerows within the site and that the protected habitat/species interest of the site has not been adequately considered.

- 8.29. An Ecological Impact Assessment, a Biodiversity Impact Assessment and a Arboricultural Impact Assessment have already been submitted to support the outline application. As part of the outline scheme a parameters plan was approved which required a total of 21,848m² of open space on the site which included 5,498m² of reptile mitigation space and 11,062m² of natural green space in order to maintain and enhance the biodiversity of the site.
- 8.30. The layout submitted with the reserved matters application exceeds the total amount of open space to be provided on the site and proposes to provide an additional 280m² of natural green space. Indeed, the net residential development area of the reserved matters layout is 37,600m² which would be less than the 40,234m² of net residential development area as approved under the parameters plan. Therefore, the layout proposed would involve less built development on the site.
- 8.31. The outline planning permission included a condition requiring that the development is carried out in full accordance with the working methodology in the approved Biodiversity Impact Assessment. Accompanying this reserved matters proposal is a Landscape and Ecological Management Plan, a Badger Survey, a Reptile Method Statement and an Arboricultural Method Statement.
- 8.32. Leicestershire County Council (Ecology) has assessed the submitted information under this reserved matters application and they raise no objections to the proposal provided amendments are made to the Soft Landscaping Scheme submitted to ensure that the areas for wildflower grassland planting should be created from low fertility clean subsoil. This amendment has been made in the revised Soft Landscape Plans submitted.
- 8.33. Further comments made by LCC Ecology relate to amendments required to the Construction Environmental Management Plan (CEMP) and the need for a Badger Survey. The CEMP has been submitted as part of a discharge of condition application which is separate from this reserved matters application. Additional information required for approval as part of planning conditions 28 and 32 on the need for a badger survey and a Slow-worm mitigation strategy respectively have also been submitted and approved (in consultation with LCC Ecology) as part of a separate discharge of condition application.
- 8.34. The reptile mitigation scheme for the site would provide a mitigation area and a corridor of movement for slow-worms at the northern boundary to provide connectivity to Martinshaw Wood. The reptile method statement does not assert that slow-worms are sedentary species but instead mentions the "limited movement between habitats" in reference to the importance of retaining the population on site within suitable existing habitat.
- 8.35. The Landscaping Scheme submitted provides native planting particularly within the non residential areas such as the wildlife corridor and mitigation areas. Non-native species have been included for areas where high levels of maintenance are required (such as for visibility or access) or where the non-native species has wildlife value. The National Forest has confirmed that the mix of tree species is considered appropriate. Following on from their recommendation for further tree planting particularly along the northern and western boundaries of the site, amended landscaping plans have been submitted showing this additional tree planting in these areas as well as within the central area of open space. The National Forest has confirmed that the revisions made to the proposed landscaping scheme would mitigate against the loss of trees from the site and the absence of dedicated National Forest planting.

- 8.36. The outline consent did approve the removal of the internal hedgerow which did not meet the criteria for a species rich hedge. The Landscaping Scheme includes the planting of several areas of new native species rich hedgerow. Wildlife corridors are also provided within the northern, eastern and western boundaries of the site along with wildflower mixes for several of the open space areas.
- 8.37. As previously stated by LCC Ecology, the proposal provides opportunities for ecological enhancement which have been incorporated into the Landscape Strategy Plan, boundary planting mix and biodiversity management plan already required to be produced as part of the outline permission. Therefore, the development would conserve the ecology of the surrounding area and is therefore in accordance with Policy DM6 of the SADMP and Policy 21 of the Core Strategy.

Highway Safety

- 8.38. Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.39. A detailed access plan showing a new road off Markfield Road and an emergency access road in the location of the existing vehicular access has already been considered and approved under the outline planning permission. The decision notice issued for the outline approval also included conditions to ensure that the access was constructed in accordance with the approved plans prior to the occupation of any of the dwellings approved.
- 8.40. LCC as highway authority has been consulted on the internal layout of the road network proposed and the parking plan proposed. They confirm that the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe.
- 8.41. However, the Highway Authority has stated that the internal layout of the road network would not be suitable for adoption and as such would need to remain in private ownership. In particular, the initial stretch of access road is too wide in that its width is shown as 6.75m whereas the Leicestershire Highways Design Guide (LHDG) requires that the access should be 5.5 metres. There is also a requirement for the footpaths to be 2 metres in width and the turning areas to have a 7.5m radius. The Highway Authority has recommended that conditions are imposed on any consent granted based on the internal road network remaining private.
- 8.42. The applicant has confirmed that their preference is for the internal highway network to be adopted. Amended plans have been submitted with the application. These plans show minor alterations to the road network to address the issues raised by the Highway Authority. The applicant has also confirmed that all properties would be set back at least 0.5 metres from the rear of the footway. The Highway Authority has been consulted on these amended plans and any further comments made by them on the reserved matters application will be reported to the planning committee as a late item.
- 8.43. The parking plan shows that the 8 x 1 bed houses would have one car parking space, the 2 and 3 bed properties would have 2 car parking spaces and the 4 bed properties would have 3 car parking spaces. The Highway Authority has commented that visitor parking spaces should be allocated for the one bed units and that the tandem parking of 3 vehicles for the 4-bed units should be reduced.
- 8.44. There would be opportunities for on-street parking to take place without causing any highway safety issues. Overall, it is considered that the level of car parking proposed would be in general accordance with the requirements in Policy DM18 of

the SADMP. The Highway Authority has suggested planning conditions to ensure that the parking and turning areas proposed within the site are laid out and available for use prior to the occupation of each dwelling.

Open Space Provision

- 8.45. The Section 106 Agreement signed as part of the outline permission included a requirement for 168 dwellings to provide 605m² of equipped children's play space along with the provision of play equipment, 2822m² of casual/informal play spaces, 6720m² of natural green space and the maintenance of these areas for a 20 year period.
- 8.46. The layout scheme submitted shows that the open space provision specified above has been exceeded. The applicant has provided information that the open space provision would be managed by a Management Company and that these areas of land would be maintained in accordance with the wording in the Unilateral Undertaking. Full details have been submitted of the play equipment to be installed on the site as required by the Undertaking. As such, it is considered that the layout plan as submitted complies with the requirements as laid out in the Council's Open Space and Recreation Study (2016).

Other Matters

- 8.47. Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding. As part of the outline planning permission and in accordance with the comments made by Severn Trent Water Ltd and LCC as the Local Lead Flood Authority, drainage details are required to be provided through a condition to ensure that surface water disposal incorporates sustainable urban drainage. These drainage details have been submitted and are being assessed as part of a separate discharge of condition application to ensure that the proposal complies with Policy DM7 of the SADMP.
- 8.48. The University Hospitals of Leicester NHS has requested a contribution of £45,124.00 towards hospital health care. This request was considered at the outline planning application stage where it was concluded that insufficient evidence had been submitted to support the contributions being sought and that the request did not meet the tests of the CIL Regulations. A Section 106 Agreement has already been signed for the outline permission which includes a contribution towards local healthcare in Ratby. Therefore, such a request has already been considered at the outline application stage. This request from the University Hospitals for additional monies is not related to the reserved matters submission.

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. The reserved matters submission is for the comprehensive residential development of the site. Outline planning permission has been approved for this residential scheme which included the detailed consideration of the vehicle access and the number of housing units to be provided. The proposal seeks permission for the outstanding reserved matters. The detail of the proposed properties would not have a significant and demonstrable adverse impact when assessed against Policy DM4 and DM10 of the SADMP. Through the design and scale of the proposal, the landscaping proposed, the large undeveloped areas and the ecological mitigation measures proposed, these would reduce the harm of this residential scheme on the character and appearance of the area.
- 10.2. In addition, the proposal would not have any significant adverse impact on residential amenity, on ecology or on highway safety. It is considered that the reserved matters are also in accordance with Policies DM6, DM7, DM10, DM17 and DM18 of the SADMP. Therefore, the reserved matters are recommended for approval subject to additional conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 That the Planning Manager 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 otherwise in complete accordance with the submitted application details as follows:

Site Location Plan Drw No: MRR received by the local planning authority on 20 July 2020.

House Type Pack received by the local planning authority on 28 July 2020.

Detailed Planning Layout Drg No: MRR/PL01 Rev A; Proposed Road Layout Drg No: 20830 200 Rev F; Boundary Treatments Plan Drg No: MRR/BTP/01 Rev A; Soft Landscaping Plans Drgs No: BG18_266_8_1_1 Rev D; 2 Rev D and _3 Rev A; Hard Landscaping Plans Drgs No: BG18_266_8_2_1 Rev B and 2 Rev B; LEAP Drg No: BG18_266_9_2_Rev A; and, LAP Drw No: BG18_266_9_1_1 Rev A all received by the local planning authority on 16 September 2020.

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

2. The approved hard and soft landscaping schemes shall be completed prior to the occupation of the plot to which it relates. The non-residential landscaping areas shall be completed upon occupation of the 130th dwelling with the exception of the area of land occupied by the construction compound (opposite Plot 134) which shall be completed upon occupation of the 168th dwelling. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016).

3. Each dwelling hereby permitted shall not be occupied until such time as the parking and turning facilities for that dwelling have been implemented in accordance with Drw No: MRR/PL01 Rev A. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

4. Any dwellings that are served by private access drives including any turning spaces shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Drw No: MRR/PL01 Rev A. The private access drives shall be surfaced with hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and once provided shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

5. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 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 in accordance with Policy DM17 of the SADMP (2016).

6. Each dwelling with a private vehicular access hereby permitted shall not be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays has been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, and once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the SADMP (2016).

7. The approved boundary treatment and fencing details as shown on Drw No: MRR/BTP/01 Rev A shall be completed prior to the occupation of the plot to which it relates

Reason: To ensure that an adequate boundary treatment is provided to safeguard the visual amenities of the area, the amenities of the future occupiers of the dwelling and the occupiers of adjoining properties and in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.4. **Notes to Applicant**

1. The approved development will require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Severn Trent Water advise that although the statutory sewer records do not show any public sewers within the area, there may be sewers that have been recently adopted under The Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and the applicant is advised to contact Severn Trent Water to discuss the proposal. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the buildings.
3. Planning permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. To erect temporary directional signage you must seek prior approval from the local Highway Authority in the first instance (telephone 0116 305 0001).