

**Planning Committee 27 September 2022
Report of the Planning Manager
Planning Ref: 21/01413/REM**

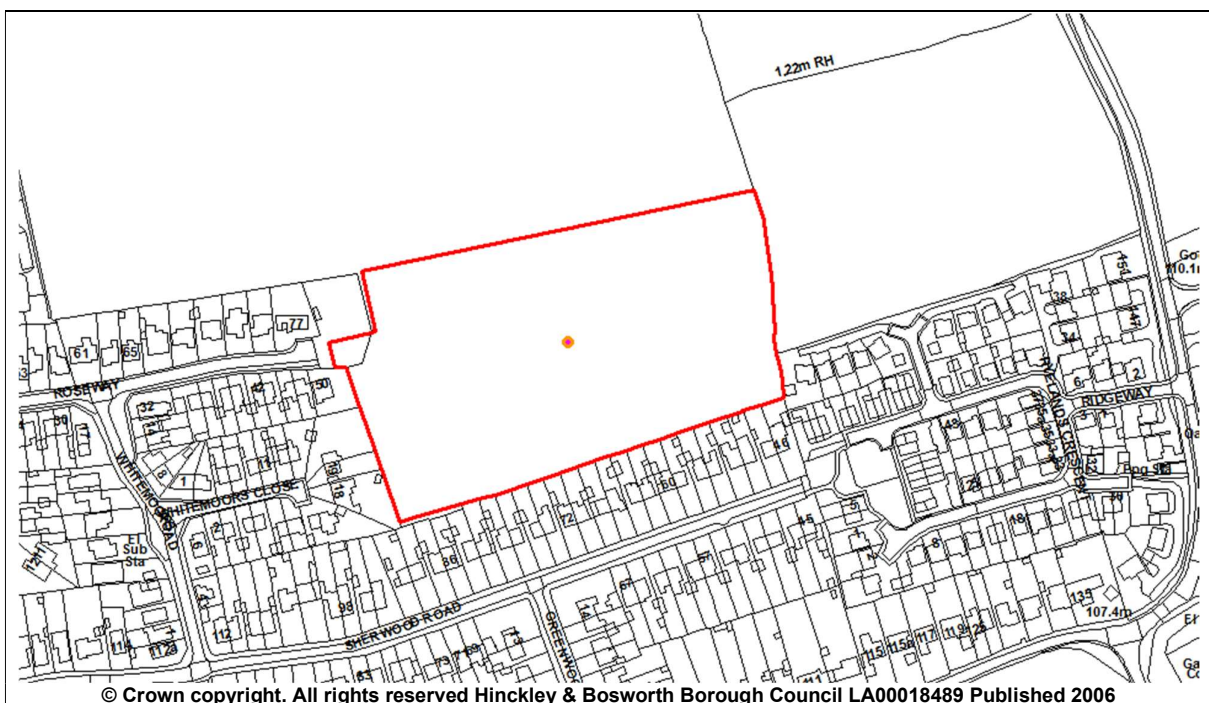


**Hinckley & Bosworth
Borough Council**

**Applicant: Glenalmond Developments Ltd, Richard Furniss,
Dorothy Furniss, Anna Furniss and Irene Milmoie
Ward: Ambien**

Site: Land East Of Roseway Stoke Golding

**Proposal: Reserved Matters application in respect of Appearance, Landscaping,
Layout and Scale (Outline reference: 20/00779/OUT)**



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- Power to determine the final details of the conditions of planning permission to be delegated to the Planning Manager

2. Background

- 2.1 The application was reported to the 30 August 2022 Planning Committee where members resolved to defer consideration of the application pending resolution of issues relating to the siting of the attenuation pond, the housing mix, reduction of the number of private driveways not intended to be adopted, the impact of the development on flooding, landscaping to the south and west boundaries, and the position of the affordable housing.
- 2.2 The applicant has submitted further detailed information and justification along with revised plans. These issues are discussed in the following section. Other parts of the report shall be read in conjunction with the update outlined in section 3.

3. Discussion of Issues raised by the Members

Siting of the attenuation pond

Comments made by local residents during the Planning Committee indicated the proposed location of the attenuation pond should be repositioned, shifting further south to be in the south-western corner of the site, adjacent to plot 18 Whitemoors Close.

The Drainage Strategy submitted with the application aims to control surface water runoff without increasing flood risk to other developments or adversely impacting on water quality downstream through the use of sustainable and traditional drainage systems. Due to the introduction of impermeable surfaces as part of the development the storm water run-off rate will be increased from that which it is currently. As such this rate will need to be restricted with a flow control feature. Discharge of surface water run-off from the proposed development will be restricted to a peak rate of 12.3l/s, equivalent to the greenfield Qbar runoff rate. Any restricted flows will be retained within the pond. The lowest point on-site is located towards the south-western corner and sits at around 105mAOD. The site of the existing attenuation pond already includes the lowest point on the site.

The various calculations produced and storm water simulations ran on the design can determine the maximum water level of the pond. The retention basin has been sized to attenuate the design 1 in 100 year storm event with a 40% allowance for climate change while maintaining a minimum 300mm freeboard. This design criteria is such that, in order to blend the embankments of the pond to match both existing boundary and proposed development levels, any other position of the pond would be unfeasible. Careful consideration is also given to ensuring appropriate levels of access to the attenuation pond can be provided and protected in perpetuity. This is required to allow the ongoing maintenance of the drainage basin, which is to be maintained by a private management company. It is worth noting that the drainage strategy for this development has been produced in line with the latest guidance.

Relocation of the attenuation pond, away from the low point of the site, would require a larger footprint and would result in encroachment of the developable area into the landscaped buffer along the northern and eastern edge of the site. This would have wider impacts for the proposed development, and it is not considered a suitable alternative. Finally, it is reiterated that the proposed location of the attenuation pond has been reviewed by the LCC and HBBC's drainage officers, who confirmed there are no objections to the proposals.

Reduction of the number of private driveways not intended to be adopted

A suggestion was made by Councillor's to amend the layout, removing all private drives from the scheme. The applicant has agreed to construct all private drives on site to meet adoptable standards. The roads would remain in private ownership but would benefit from improved build quality and durability.

It is important to highlight that the private road network as currently proposed cannot be considered for adoption, even if alterations to the dimensions of private drives to adoptable standards were delivered. Relevant guidance limits the extent of road which can be adopted beyond a turning head and the current layout cannot be amended to deliver an entirely adopted road network. To achieve this, additional turning heads within the scheme would be required, which would represent a poor design and unnecessary over-engineering of the proposed scheme. Moreover, such amendments would result with encroachment into the areas of soft landscaping and open space along the northern and eastern boundary of the site. It is important to reiterate that following amendments to the scheme, the Highways Authority had no objections to the

proposed development. The improvements to private drives will come at considerable expense to the applicant, who is willing to work with the Council in this instance to overcome concern raised by Councillor's during the previous committee meeting.

Relationship between 18 Whitemoors Close and plot 65 of the proposed development

The occupant of number 18 Whitemoors Close raised concerns in respect of the relationship between the property and unit 65 of the proposed scheme and it was suggested that additional landscaping be included along this boundary.

Firstly, it is unlikely that any additional landscaping could be suitably protected in perpetuity. The area of land in question will be conveyed to the owners of plot 65 and following occupation, there will be no formal control over the protection of landscaping features. It is of course at each landowner's discretion to manage their property as they see fit. It is reasonable to suggest that future landowners would seek to include additional landscaping within this area, but this cannot be controlled through the planning process.

Secondly, it should be highlighted that the proposed separation distances fully exceed minimum requirements. Back-to-back distances exceed the recommended 21m for all plots, with a number significantly exceeding this requirement with separation distances of 35m. The same applies for all back-to-side distances. The side gable of plot 65 is almost 30m away from the back of number 18 Whitemoors Close and is sufficiently separated from the plot to minimise any impact on residential amenity.

Finally, it is noted that the proposed layout submitted as part of this reserved matters improves the separation distance from the development and 18 Whitemoors Close than which was indicated as part of the outline application.

In the context of the above, it is not considered necessary to make further amendments to the layout in respect of the relationship between unit 65 and 18 Whitemoors Close. However, to aid members in their decision making, a street scene showing the southern boundary of the site has been submitted by the applicant and would be circulated to the Committee members in advance of the Planning Committee.

Housing Mix

The Parish Council objected to the scheme in part due to a conflict with the recently adopted Neighbourhood Plan, which sets out a housing mix for new residential developments. It is important to note that outline planning permission for this site was granted in advance of the adoption of the Neighbourhood Plan, where the quantity of development approved as part of the outline permission was set at up to 65 dwellings.

The previous officer's report confirmed that the provision of a policy compliant housing mix, in accordance with the Stoke Golding Neighbourhood Plan, was not required, as this would not result with an effective use of land in accordance with Chapter 11 and specifically paragraph 119 of the NPPF.

However, in the interest of working with the Parish, the applicant has agreed to alter the housing mix, amending the proposed 3-bedroom 866ft² and 3-bedroom 937ft² units to a 2-bedroom property. The revised housing mix will therefore include 23% of market units as 2-bedroom properties. Whilst it is recognised that this still falls slightly short of the Neighbourhood Plan's preferred mix for two-bedroom units, given the site-specific context and the superior directive in Chapter 11 of the NPPF which requires development to make effective use of the land, it is considered to be an acceptable provision in this instance.

Affordable Housing

Concern has also been raised in respect of the affordable housing clustering across the site. The proposed layout has been amended and refined a number of times as part of the site's evolution and the current proposals are not subject to any objections from technical consultees such as Affordable Housing Officer of the Council. The proposed clustering of affordable housing has been revisited following the last Planning Committee and it is not considered that there are any suitable alternative locations. The most appropriate location for a plot swap would be to shift units 63-65 eastwards and relocate affordable plots 58-61 in the south-west corner. However, this would have implications on the separation distance between plot 18 Whitemoors Close and the proposed development, which given the context of above section, was not considered to be appropriate. It should also be noted that affordable housing providers prefer dwellings to be clustered, minimising maintenance and management costs.

To aid the decision-making process, an updated street scene along the southern boundary of the site has been submitted and shared with the members in advance of the Planning Committee, confirming how both the market and affordable units will be tenure blind in appearance and would create an attractive and varied street scene.

Off-site sewage

An enquiry was submitted to Severn Trent Water (STW) to determine if there is sufficient capacity within the existing public sewerage system to receive foul flows from the proposed development site. The response to this enquiry confirms that the existing STW foul sewer on Roseway has the capacity to take additional flows from the proposed development.

It was also reported by the members of the public that there are concerns surrounding the wider existing foul water sewer network. The Council has approached STW directly to ascertain if they are aware of any issues with their network. No response has been received yet. An update will be provided to the members before planning committee.

4. Planning application description

- 4.1. This is a reserved matters application for the residential development of 65 dwellings with associated open space and children's play area. This reserved matters application is for the consideration of appearance, landscaping, layout and scale following the approval of outline permission 20/00779/OUT for the erection of up to 65 dwellings including public open space, landscaping and associated infrastructure (Outline – access only).
- 4.2. The housing mix proposed comprises 39 market properties, with 20 affordable rent and 6 shared ownership units. The mix of housing ranges includes 2-bed, 3-bed and 4-bed properties. 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. The Applicant has confirmed that the development will be delivered using modern methods of construction.
- 4.3. The site layout plans show the development of 65 units predominantly arranged off the main access road, which meanders through the site before connecting with private drives serving properties located near the edges of the site. Properties face onto roads, set back with small front gardens and/or parking spaces. Properties along the northern boundary face out towards the open countryside and are

setback from the site boundary by a linear area of public open space.

- 4.4. An attenuation pond is proposed on land to the west of the site, which a children's play area located in the north-eastern corner. An internal pedestrian route connects the play area to the site entrance and runs through an area of public open space along the northern boundary of the site. All dwellings have been positioned to ensure an adequate separation distance from existing properties on Sherwood Rise and Whitemoors Close.
- 4.5. During the course of the application amended plans have been received, following comments from the officer and consultees, the layout was amended to overcome concerns raised by highway officers regarding the internal road arrangement, as well as increasing the setback from the northern boundary to better reflect the indicative masterplan submitted as part of the outline application. The application was subject to a full re-consultation, where no further issues were raised.

5. Description of the site and surrounding area

- 5.1. The application site is located on the northern side of Stoke Golding. The site adjoins the built-up area of Stoke Golding to the west with dwellings along Roseway and Whitemoors Close and to the south with dwellings along Sherwood Road and in the south east corner with dwellings along Ryeland Crescent.
- 5.2. Properties on Roseway and Whitemoors Close comprise primarily two-storey houses, with some bungalows, which are stepped down the sloping gradient to the west responding to the topography. Sherwood Rise comprises mainly bungalows, some of which have been extended to provide dormer accommodation.
- 5.3. A recently completed development is located to the south-east of the site which includes two 2.5 storey dwellings, including the dwelling closest to the application site.
- 5.4. To the east of the application site, is an agricultural field that is to the west of Hinckley Road, which is heavily screened by vegetation. To the north of the application site is the remainder of the agricultural field. The land beyond the application site continues to slope down to the north where it adjoins, and is accessed from, Stoke Road.

6. Relevant planning history

80/00841/4

- Residential Development
- Refused
- 24.06.1980

75/01254/4

- Erection of dwellings and the formation of access on land part of parcel nos 2553 and 3947.
- Refused
- 25.11.1975

20/00779/OUT

- Residential Development of up to 65 dwellings including public open space, landscaping and associated infrastructure (Outline – access only)
- Approved
- 23.06.2021

7. Publicity

- 7.1. 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.
- 7.2. 26 letters of objections were received from 19 addresses. The following concerns were raised:
- 1) Visual Impact
 - 2) Loss of privacy
 - 3) Anti-social behavior from the Affordable housing element of the proposal
 - 4) Concentration of social housing in one parcel of land within the site
 - 5) Boundary Treatment
 - 6) Drainage
 - 7) The proposed siting of the attenuation pond would increase risk of flooding to the neighbours
 - 8) Loss of vegetation
 - 9) Removal of any tree would be contrary to the Neighborhood Plan policy
 - 10) Correct detail plan has not been submitted for proposed 5 bedroom properties.
 - 11) Poor location of refuse collection
 - 12) Damage to existing roads during construction
 - 13) Proposed development would destroy village life and character
 - 14) Current infrastructure is not sufficient to cope with the development
 - 15) Ecological disturbance

8. Consultation

- 8.1. The following comments have been received :-
- HBBC (Waste Services) - No objection. Previous comments on outline application still applicable.
 - HBBC (Environmental Health) – No objection
 - Leicestershire County Council (Ecology) – No objection.
 - Leicestershire County Council (Archaeology) - Previous comments on outline application still applicable.
 - Historic England – No objection
 - HBBC (Environmental Services – Drainage) – No objection subject to conditions
 - Severn Trent Water – No objection subject to condition related to submission of drainage plans for the disposal of surface water and foul sewage
 - HBBC Conservation Officer – No Objection
 - LCC Highways – No Objection subject to conditions.
 - S106 Monitoring Officer- The accessibility and natural green space, LEAP and casual open space should be clearly identified on the proposed plan and the landscaping plans.
 - HBBC Affordable Housing – No objection
- 8.2. Stoke Golding Parish Council objected to a previous iteration of the layout on the following grounds. No comments have been provided on the current layout.
- Conflict over site access
 - Affordable housing clustering
 - Housing Mix
 - Design

- Visual Impact
- Reduction of separation from Dadlington
- Impact on existing residents
- Ecology and biodiversity
- Traffic and road improvement
- Drainage
- S106 contributions

8.3 Ward Councillor – Supported comments made by Stoke Golding Parish Council.

9. Policy

9.1. Core Strategy (2009)

- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

9.2. 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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

9.3. Stoke Golding Neighbourhood Plan (2022)

- Policy HG1: Housing Requirement
- Policy SG4: Housing Mix
- Policy SG5: Affordable Housing
- Policy SG7: Areas of Separation
- Policy SG11: Ecology and Biodiversity
- Policy SG12: Trees and Hedgerows
- Policy SG15: Design

9.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

9.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Housing Needs Study (2019)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide

10. Appraisal

10.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Housing Mix
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other matters

Assessment against Strategic Planning Policies

- 10.2 Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and the NPPF is a material consideration in the determination of applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 10.3 Paragraph 11 of the NPPF and Policy DM1 of the Site Allocations and Development Management Plan Document (SADMP) sets out a presumption in favour of sustainable development, and state that development proposals that accord with the development should be approved unless the other material considerations indicate otherwise. The Development Plan in this instance consists of the adopted Core Strategy (2009), the Site Allocations and Development Management Policies DPD (2016) (SADMP) and the Stoke Golding Neighbourhood Plan (2022)
- 10.4 The site is identified in the Stoke Golding Neighbourhood Plan (SGNP) as contributing towards the minimum housing requirement for Stoke Golding between 2020 – 2039 as identified in the emerging Local Plan Review 202-2039. The emerging Local Plan for 2020-2039 has reached Regulation 19 draft stage and thus can be given only limited weight at this stage.
- 10.5 In this instance, the principle for development within this area has already been established through the earlier grant of Planning permission (Ref: 20/00779/OUT). The proposal would therefore be acceptable in terms of the strategic planning principles subject to all other planning matters being satisfactorily addressed.

Design and Impact Upon the Character of the Area

- 10.6 Policy DM10 of the SADMP requires development to enhance the character of the surrounding area, appropriate use of building materials, high standards of landscaping, conservation of energy, and that natural surveillance, fire safety measures and the principles of secured by design is maximised. This is also supported through the adopted Good Design Guide 2020. Policy SG15 of the SGNP requires development to reflect the traditional character of Stoke Golding, whilst creating a sense of place, integrating into the surroundings, protecting existing features and provide attractive public and private spaces. The site is a greenfield site, which is relatively open. The outline application identified that the development of the site would have an impact upon the immediate area, however the wider impact would be limited, subject to appropriate landscaping and design. This is due to the sites positioning outside, but adjacent to, the existing limits of development in Stoke Golding.
- 10.7 The principles of the design and layout of the scheme were confirmed within the outline application as the indicative masterplan was submitted by the applicant. The Reserved Matters layout submitted by the applicant retains these key principles and would deliver a scheme that is appropriate for its location within the settlement and existing landscape features.

- 10.8 This Reserved Matters layout retains the key characteristics of the outline masterplan, notably the offset from the northern and north-eastern boundary of the site. The internal layout has evolved throughout the course of the reserved matter application in response to comments from statutory consultees. Amendments to the plan included the repositioning of the internal road network, which now turns southward at an earlier point in the site, encouraging slower vehicle speeds.
- 10.9 The applicant has also amended the layout to include a greater offset from the northern boundary line, via the introduction of a linear area of public open space. The north-eastern parcel of POS now includes the proposed children's play area. This has the benefit of providing informal surveillance of the play area from the south and west, along with ensuring an adequate separation distance between the play equipment and the proposed dwellings.
- 10.10 The layout has been designed to provide tenure blindness between the open market and affordable units. Affordable dwellings are provided as a number of separated parcels along the southern and eastern flanks of the site.
- 10.11 The designs of the proposed dwellings include a variety of features, such as porches, dual fronted aspects, a variety of roof types and a range of materials and detailing. There are number of different house types to add interest to the streetscene.

Housing Mix

- 10.12 Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 30 dwellings per hectare within Key Rural Centres.
- 10.13 Paragraphs 126 and 130 of the NPPF (2021) states that good design is a key aspect of sustainable development and planning decisions as it creates better places in which to live and work and helps make development acceptable to communities. Decisions should ensure that development; will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate landscaping, are sympathetic to local character, establish/maintain a strong sense of place and optimise the potential of the site.
- 10.14 The site delivers a range of densities across the site, with an average of 35 dwellings per hectare. Higher density development is located towards the central and southern areas of the site, with a reduced density near the site's boundary with the open countryside.
- 10.15 The proposal includes a policy compliant provision of 40% affordable housing with a tenure split of 75% affordable rented and 25% intermediate rent. The affordable housing mix includes two and three bedroom properties. This mix has been consulted upon with the Strategic Housing Strategy and Enabling officer who raises no concerns or objections to the altered tenure mix to that outlined in Policy 15 of the Core Strategy and the Affordable Housing SPD. The mix and tenure of the proposed dwellings is therefore in accordance with Policy 15 and Policy 16 of the Core Strategy and Policy SA2 of the Site Allocations and Development Management Policy DPD (SADMP).
- 10.16 The SGNP sets out a requirement for the following housing mix:

	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Market Housing	5%	30%	45%	20%
Affordable Home ownership	10%	50%	30%	10%
Affordable	25%	40%	30%	5%

housing (rented)				
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- 10.17 The proposed layout differs from the prescribed mix in the SGNP, providing a greater number of 3 and 4 bedroom market units in place of 1 and 2 bedroom dwellings. Whilst there is therefore some degree of conflict with the SGNP, Officers recognise the superior directive in Chapter 11 of the NPPF which requires development to make effective use of the land. Moreover, the proposed mix is not considered to be too heavily weighted to larger dwellings, with only 19 four bedroom dwellings and no five bedroom units. The largest house type by quantity is three bedroom which is welcomed.
- 10.18 The proposed layout has evolved throughout the application process, positively responding to commentary made by consultees. Officers are content that the proposed housing mix is suitable for the site.

Historic Environment

- 10.19 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 10.20 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 10.21 Policies DM11 and DM12 of the Site Allocations and Development Management Polices DPD seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting, and that development proposals should ensure the significance of a conservation area is preserved and enhanced. In addition development proposals within or adjacent to the historic landscape of Bosworth Battlefield should seek to better reveal the historic significance of the area. Proposals which adversely affect the Bosworth Battlefield or its setting should be wholly exceptional and accompanied with clear and convincing justification. Such proposals will be assessed against their public benefits.
- 10.22 This proposal affects the significance of the grade I listed building the Church of St Margaret, the Stoke Golding Conservation Area, the Ashby Canal Conservation Area and the Registered Battle of Bosworth Field, by virtue of its location within the wider setting of these designated heritage assets. At outline planning stage the proposal was considered to have a neutral impact causing no harm to their significance, although a key component of determining this impact is the requirement for an appropriate layout and the use of a soft landscaped treatment to the northern boundary to be confirmed at reserved matters stage.
- 10.23 The proposals submitted as part of the reserved matter application specially the revised plans further increase the buffer between the proposed new housing and the rural landscape to the north and increase the amount of tree and hedgerow planting

throughout the site. It is considered that, due to its appropriate appearance, landscaping, layout and scale the proposal is still considered to have a neutral impact causing no harm to their significance. The proposal is therefore compatible with the significance of the listed building, would preserve the significance of the conservation areas and the Registered Battlefield, so consequently the proposal accords with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the National Planning Policy Framework and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon Neighbouring Residential Amenity

- 10.24 Policy DM10 of the SADMP seeks to ensure that development would not have significant adverse effect upon the privacy or amenity of nearby residents and occupiers of adjacent buildings, and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 10.25 Residential dwellings are located to the south and west of the site. To the north and east is open countryside. Concerns have been raised by the local residents specifically from the west of the site that the proposal would have privacy and overbearing issues for them. The revised layout plan has addressed these concerns by increasing separation distance between plot 65 of the proposed development and residential properties to the west of the site. Plot 65 has no principal side facing window, therefore there should not be any privacy issue.
- 10.26 Properties set along the southern boundary of the site face inwards and have been designed to provide appropriate separation distances and rear amenity spaces. This ensures that no dwelling is unduly overlooked, nor are there any instances where dwellings are overbearing upon one another.
- 10.27 Concerns have been raised by the local residents that the affordable housing element is concentrated in one parcel of land and that would increase antisocial behavior problem for the neighbouring residents. However, affordable dwellings would be provided as a number of separated parcels along the southern and western flanks of the site.
- 10.28 It is not considered that the development, once completed would have a detrimental impact upon any of these residential dwellings in terms of any overbearing impact or overlooking. Conditions are included within the outline permission for a construction environmental management plan and limited construction hours which seek to protect existing and proposed residential amenity during the course of the development.
- 10.29 Therefore, when having regard to layout, scale and appearance of the proposed development, it is not considered that the proposal would have an adverse impact upon residential amenity and would accord with Policy DM10 of the SADMP.

Impact Upon Highway Safety

- 10.30 Policy DM17 of the SADMP requires that applications meet a number of criteria, the most relevant for this application is c) demonstrate that there is not a significant adverse impact upon highway safety. This policy also requires proposals to reflect the highway design standards that are set out in the most up to date guidance, this is the Leicestershire Highways Design Guide.
- 10.31 During the course of the application, amended plans have been received following comments from the Local Highways Authority. The revised plans have been submitted to ensure roads are designed to meet adoptable standards. The layout of the spine roads has been designed to incorporate speed control measures and adequate forward visibility.
- 10.32 However, after reviewing the revised plan the LHA advised that the internal road layout is still not considered to be suitable for adoption. There are several points which would need to be addressed prior to the layout being adoptable. Nevertheless, it is the view of LHA that the issues with the internal layout are not considered reasons for refusal

should the applicant wish for the road layout to remain in private ownership. Subject to conditions, the proposals would not have significant impact on highway safety and in accordance with Policy DM17 of the SADMP and the NPPF.

Ecology

- 10.33 Policy DM6 of the SADMP states that major development 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 favorably to maintain their ecological value, connectivity and functionality in the long term.
- 10.34 The application has been subject to consultation with Leicestershire County Council (Ecology) who have confirmed there is no objection to the proposed development. It is noted that Leicestershire County Council (Ecology) confirmed during the determination of the outline application that no further ecological works were required. The development therefore accords with Policy DM6 of the SADMP.

Drainage and Flooding

- 10.35 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. The outline approval (ref: 20/00779/OUT) was accompanied with by a Flood Risk Assessment (FRA), which identified that the site is in flood zone 1 (low less than 1 in 1000 annual probability of flooding).
- 10.36 The neighboring residents to the west of the site has raised concern that proposed siting of the attenuation pond would increase risk of flooding to the neighbours. However, the Lead Local Flood Authority and HBBC Drainage have reviewed the proposal related to flood and drainage and are in the view that the proposal would not increase risk of flooding to the surrounding areas.
- 10.37 The FRA includes a Flood Mitigation Strategy and a proposed surface water management strategy, to be incorporated into the scheme. Moreover, the revised scheme removed the footpath near the west site boundary and elongates the attenuation pond to address the concern of the neighbours. There are separate conditions requiring the details of surface water drainage to be submitted prior to the commencement of the site. Therefore, the scheme is not considered to create or exacerbate flooding and would accord with Policy DM17 of the SADMP.

Sustainability

- 10.38 Policy DM10 of the SADMP seeks to reduce the impact on climate change through sustainable design and the council seeks to achieve the most sustainable development possible, taking into account energy efficiency, design and orientation, and other measures which contribute towards sustainable development.
- 10.39 The sustainability principles that would be delivered as a result of this development include: -
- I. Delivery of highly energy efficient homes using Modern Methods of Construction
 - II. Effective Design ensuring an efficient use of land
 - III. Public transport links will provide connections to the wider area
 - IV. Existing landscape features to be retained and new habitats to be created on site.
 - V. Sustainable Urban Drainage system to be implemented on site
- 10.40 The green corridor running along the northern boundary of the site includes existing and improved hedgerows, providing a softer development edge. The proposals seek to retain and enhance these features with additional planting where appropriate. The layout of the site ensures this corridor is overlooked to encourage and allow safe pedestrian movement.

11. Equality implications

11.1 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.

11.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

11.3 There are no known equality implications arising directly from this development.

11.4 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).

12. Conclusion

12.1. The principle of development has been established through the granting of the outline planning permission 20/00799/OUT. The appearance, landscaping, scale and layout of the proposed infrastructure is considered acceptable in accordance with the design principles outline within the approved DAS to accord with Policy DM10 of the SADMP.

12.2. The proposed development would not have any adverse impact upon Highway safety, residential amenity and ecology. The proposal would not exacerbate nor create any surface water flooding and would therefore provide a sustainable development to accord with Policies DM6, DM7, DM10 and DM17 of the SADMP.

13. Recommendation

13.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report
- Power to determine the final details of the conditions of planning permission to be delegated to the Planning Manager

13.2 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Proposed Site Plan, Drg No. 3712-05M
2B 834 Floor Plans, Elevations, Drg No. 3112-10
3B 866 Floor Plans, Elevations, Drg No. 3712-12
3B 904 Floor Plans, Elevations, Drg No. 3712-11
3B 937 Floor Plans, Elevations, Drg No. 3712-13
3B 986 Floor Plans, Elevations, Drg No 3712-14

3B 1030 Floor Plans, Page 1 of 2, Drg No 3712 – 29
3B 1030 Elevations Page 2 of 2, Drg No 3712 – 30
4B 1220 Floor Plans, Elevations, Drg No 3712-15
4B 1267 Floor Plans Page 1 of 2, Drg No 3712-16
4B 1267 Elevations Page 2 of 2, Drg No 3712-17
4B 1428 Floor Plans Page 1 of 2, Drg No 3712-19
4B 1428 Elevations Page 2 of 2, Drg No 3712-20
4B 1488 Floor Plans Page 1 of 2, Drg No 3712-21
4B 1488 Elevations Page 2 of 2, Drg No 3712-22
4B 1578 Floor Plans page 1 of 2, Drg No 3712-23
4B 1578 Elevations page 2 of 2, Drg No 3712-24
4B 1696 Floor Plans, Elevations, Drg No 3712-25
4B 1855 Floor Plans page 1 of 2, Drg No. 3712-26
4B 1855 Floor Plans page 2 of 2, Drg No. 3712-27
Landscaping Plan, Sheet 1 of 3, DWG No. EML BH 1172 01 Rev B
Landscaping Plan, Sheet 2 of 3, DWG No. EML BH 1172 02 Rev B
Landscaping Plan, Sheet 3 of 3, DWG No. EML BH 1172 03 Rev B
Tree Pit Details, DWG No. EML BH 1172 04 Rev A

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

2. Prior to the commencement of the development, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings shall be deposited with and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance and in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

3. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Browhill Hayward Brown Drawing No. 3712-05 Rev M. 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 (and to enable vehicles to enter and leave the site in a forward direction) in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Plan.

4. Any dwellings that are served by private access drives (and 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 Figure DG20 of the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar 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 reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

5. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each private drive/ shared private drive 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 adopted Site Allocations and Development Management Policies DPD and the NPPF.

6. 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 gates, barriers, bollards, chains or other such obstructions shall be erected to the vehicular access

Notwithstanding the submitted plans, any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors/ 6.1 metres for up-and-over doors / 6.5 metres for doors opening outwards and thereafter shall be so maintained.

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 and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF

7. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

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

8. No external lighting shall be installed on the site until plans showing the type of light appliance, illumination levels and light spillage, and full details of external cowls, louvers or other shields to be fitted to the lights, have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed in accordance with the approved details, and the approved light shielding put in place before being first brought into use, and the lighting shall be maintained as such thereafter and in perpetuity.

Reason: In the interests of the residential amenity of the area and to minimise unnecessary light spillage above and outside the development site in accordance with Policy DM10 of the Site Allocations and Development Policies DPD.

9. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To ensure that the development is served with a satisfactory waste collection scheme across the site to serve the amenity of the future occupants to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

13.3 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. 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.
3. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
5. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>