

Reference: 15/01292/OUT

Applicant: Davidsons Homes

Location: Land To The South West Of Lutterworth Road Burbage

Proposal: Residential development for up to 80 dwellings, open space and associated works (outline - access only) (resubmission)

RECOMMENDATION:- Grant subject to conditions and S106 agreement

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as the application has attracted interest from occupiers of 5 or more addresses and the views of which are contrary to the officer recommendation.

Application Proposal

Outline planning permission is sought for residential development of up to 80 dwellings with associated access and open space. All other matters are reserved.

This application is a resubmission of a previous application (ref: 14/01205/OUT) which was refused at Planning Committee on 31 March 2015. The application was not refused on any technical planning grounds but that the development would be unsustainable by virtue of increasing the impact on local services and facilities within Burbage.

The applicant, Davidsons Homes, has appealed this decision to the Secretary of State which is presently scheduled to be heard by way of a two day informal hearing on 2nd - 3rd February 2016. The applicant however has sought to work with the Council in overcoming the concerns the Council had with the previous scheme by re-submitting the proposal to allow Members the opportunity to consider the merits of the planning application afresh against all material planning considerations.

20% affordable housing is proposed which, based on 80 dwellings, would provide 16 affordable units.

Vehicular access is proposed from Lutterworth Road to the east of the site via an existing private unmade road between No's. 120 and 122 Lutterworth Road.

The development would feature play and open space, including an area of equipped play equipment. Provision would be made within the site for SuDs (sustainable urban drainage systems) including a balancing pond and swales.

The Site and Surrounding Area

The use of the site is currently agricultural land, and is bordered by the rear of dwellings along Lutterworth Road to the east, allotments to the north, Workhouse Lane to the west and a separate parcel of land and the M69 motorway to the south. The site is approximately 3.3 hectares in size. It lies adjacent to, but beyond existing residential development to the west of Lutterworth Road. The site is mostly flat and level. A mature and well established hedgerow with mature trees effectively splits the site in half. This landscaping belt runs from north east to south west across the site.

The centre of Burbage is located approximately 800 metres from the site.

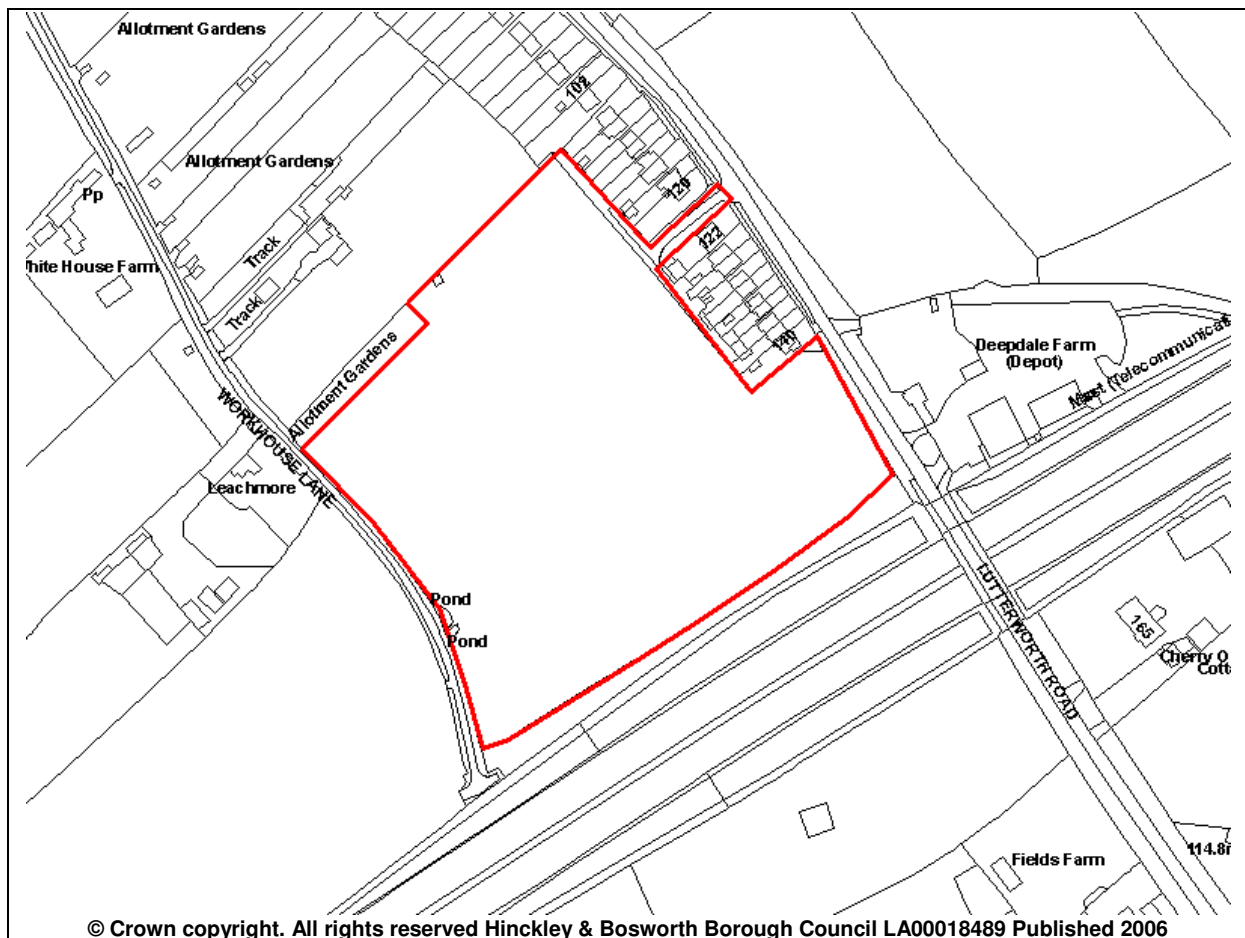
The site falls outside of, but partly adjacent to, the settlement boundary of Burbage, as defined by the adopted Hinckley & Bosworth Local Plan proposals map (2001).

Technical Documents submitted with application

Design and Access Statement
Planning Statement
Ecology Report
Flood Risk Assessment
Planning Statement
Archaeology Survey
Heritage Statement
Transport Statement
Arboricultural Assessment
Noise Report
Landscape Appraisal
Statement of Community Involvement

Relevant Planning History:-

14/01205/OUT	Residential development for up to 80 dwellings, open space and associated works (outline - access only)	Refused	02.04.15
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Consultations:-

No objection subject to conditions has been received from:-

Leicestershire County Council (Lead Local Flood Authority)
Leicestershire County Council (Highways)
Leicestershire County Council (Ecology)
Leicestershire County Council (Archaeology)
Environmental Health (Pollution)
Environmental Health (Land Drainage)
Head of Street Scene Services (Waste Minimisation)
Highways England
Tree Officer
Environment Agency
Severn Trent

Site notices and a press notice were displayed. In addition neighbours immediately adjoining the site were consulted.

Burbage Parish Council has raised the following objections:-

- a) the site is outside of the defined settlement boundary, is a greenfield site and contrary to Burbage Village Design Statement and borough planning policy
- b) the individual character of the village should be maintained and the rural vista should be protected to meet the leisure and recreational needs of the community
- c) residents feel strongly that the existing settlement boundary should be maintained and the remaining green fields around the village should be retained
- d) the proposed development would result in an adverse urbanising effect on the landscape resulting in harm to the intrinsic character and beauty of the countryside contrary to the requirement of Saved Policy NE5 of the Local Plan and Paragraph 17 of the NPPF
- e) the development would extend the settlement boundary toward the M69 resulting in an unacceptable reduction of the buffer strip between the M69 and the existing settlement boundary
- f) the development close to the busy road network would create a polluted area that is unsatisfactory for habitation
- g) the strategies as set out in the Landscape Character Assessment suggest that the local distinctiveness of Burbage should be protected and that the landscape structure which separates the village from the M69 corridor should be enhanced
- h) there are a number of serious highway concerns as the access/egress is onto a dangerous section of very busy commuter road that is notorious for speeding traffic. The single access point to the site is potentially a point for major hold ups caused by cars entering and leaving the site. There are also a significant amount of on street parking on Lutterworth Road in the vicinity of the proposed access junction at all times of the day and night. Vehicles parking close to the junction will restrict the visibility splay for drivers intending on exiting the site onto Lutterworth Road which will increase the risk of pull-out collisions. The vehicular traffic associated with the proposed development will also result in an unacceptable adverse impact upon the amenities of occupiers of dwellings on Lutterworth Road and especially those immediately adjacent to the access road
- i) whilst the detailed design, siting and layout of the dwellings has been reserved the Parish Council requests that no vehicular access is included to Workhouse Lane, sufficient landscaping is included on the site and play and open space is provided with no maintenance responsibility to the Parish Council.

28 letters of objection were received from local residents. Summary of comments received:-

- a) the development would increase traffic onto the A5 which would be dangerous
- b) access is narrow and cars are parked either side of it
- c) Lutterworth Road is already narrow and has cars parked along it, creating a situation where vehicles have to wait and queue
- d) proposal does not calm speeding traffic
- e) the traffic data was collected when the junction with Lutterworth Road and the A5 was closed
- f) the bend within the village is too tight for additional traffic volumes
- g) Burbage has exceeded the 295 dwellings in the Core Strategy
- h) the Burbage Neighbourhood Plan is due to be submitted in its draft form and this application should be considered premature
- i) loss of greenfield site
- j) would result in loss of transition between urban and rural fringe through built development
- k) loss of views
- l) doctors oversubscribed and the development would further impact on this
- m) drainage is very poor
- n) the fields contain ridge and furrow
- o) noise emanating from the M69 will be excessive and impact on future residents
- p) impact on ecology
- q) the development would be contrary to the Burbage Village Design Statement
- r) loss of a greenfield site
- s) the site is open and spacious in character which would be lost by this development
- t) the development would impact upon the amenity of existing residents on Lutterworth Road
- u) water pressure is already low and this development would make this worse
- v) development would result in an increase in crime
- w) schools in Burbage are at capacity
- x) there are other existing sites in Burbage that have been granted permission for development
- y) loss of wildlife on the site
- z) the noise pollution from the motorway and bund would impact and cause harm to neighbouring land.

Policy:-

National Policy Guidance

National Planning Policy Framework (NPPF) 2012
National Planning Practice Guidance (NPPG) 2014
Community Infrastructure Levy (CIL) Regulations 2010

Hinckley & Bosworth Core Strategy 2009

Policy 4: Development in Burbage
Policy 15: Affordable Housing
Policy 16: Housing Density, Mix and Design
Policy 19: Green Space and Play Provision

Hinckley & Bosworth Local Plan 2001

Policy RES5: Residential Proposals on Unallocated Sites
Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities

Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation
Policy REC3: New Residential Development - Outdoor Play Space for Children
Policy NE5: Development within the Countryside
Policy NE2: Pollution
Policy NE12: Landscaping Schemes
Policy NE14: Protection of Surface Waters and Groundwater Quality
Policy BE1: Design and Siting of Development
Policy BE16: Archaeological Investigation and Recording
Policy T5: Highway Design and Vehicle Parking Standards

Emerging Site Allocations & Development Management Policies Development Plan Document

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: Archaeology
Policy DM17: Highway Design
Policy DM18: Vehicle Parking Standards

Supplementary Planning Guidance/Documents

New Residential Development (SPG)
Play and Open Space (SPD)
Affordable Housing (SPD)

Appraisal:-

The main considerations in the determination of this application are:-

- Principle of development
- Impact on the character and appearance of the area
- Siting, design and layout
- Housing mix
- Affordable housing
- Impact on neighbouring residential properties
- Highway considerations
- Flood risk and drainage
- Archaeology
- Ecology & trees
- Noise
- Pollution
- Infrastructure obligations

Principle of Development

Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001).

Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means:-

- Approving development proposals which accord with the development plan without delay, and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole, or
 - Specific policies in the NPPF indicate development should be restricted.

Core Strategy

Policy 4 of the Core Strategy states that in Burbage land will be allocated for the development of a minimum of 295 dwellings. As of 1 October 2015, the residual requirement has been exceeded by 80 dwellings. However, it is important to note that this policy is expressed as a minimum to allow the delivery of further housing where it sustainably contributes to housing supply.

Emerging Site Allocations and Development Management Policies Development Plan Document (DPD)

The emerging DPD was published in draft form in January 2014. The consultation period ended in March 2014. Responses were received and a modification consultation document was published in December 2014. The DPD has been submitted to the Secretary of State for examination in public which took place at the end of September 2015.

Now the DPD has been submitted to the Secretary of State and has been through examination in public weight is now to be afforded to those emerging policies. This document will set out the allocation of sites across the borough to support the large scale delivery of housing planned for Barwell and Earl Shilton Sustainable Urban Extensions.

The residual housing requirement within Burbage has been met and therefore within the Emerging Site Allocations and Development Management Policies DPD no further sites have been allocated for residential development.

Housing Land Supply

Paragraph 47 of the NPPF states that local authorities should identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. They should also provide an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, authorities should increase the buffer to 20% (moved forward from later in the Plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

As of 1 October 2015 the Council has a five year supply of housing sites, based on the 'Sedgefield' method of calculation (which proposes that any shortfall should be made up throughout the term of the Plan and a 5% buffer) As a result the housing supply policies contained within the Core Strategy are considered to be up-to-date.

Whilst the Council currently has a five year supply of housing sites, in the context of Paragraph 14 of the NPPF, planning applications for new housing development must be considered in the context of the presumption in favour of sustainable development to help contribute to maintaining the supply of housing.

Local Plan

The site lies outside of the current settlement boundary of Burbage, as defined on the proposals map of the adopted 2001 Local Plan and is therefore within an area designated as countryside. Saved Local Plan Policies NE5 and RES5 therefore apply.

Both Saved Policies NE5 and RES5 of the adopted Local Plan seek to protect the countryside for its own sake and state that planning permission will only be granted for development subject to certain criteria. The criteria do not include residential development. Policies RES5 and NE5 seek to guide development to appropriate; sustainable locations, and ordinarily, residential development would normally be restricted outside of settlement boundaries in the countryside. Policy DM4 of the emerging Site Allocations and Development Management Policies DPD also seeks to guide and manage appropriate development in countryside locations outside of the settlement boundary.

The Planning Balance

There are three core strands underpinning the presumption in favour of sustainable development as set out within the NPPF which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. Paragraph 8 of the NPPF sets out that these roles should not be undertaken in isolation because they are mutually dependent. Therefore these roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable. The NPPF clearly defines the three dimensions of sustainable development as follows:-

Economic - It is considered that the local economy would benefit through the creation of jobs for the construction of the development itself, as well as securing financial contributions for the provision and future maintenance of local infrastructure. The applicant has submitted information in support of the economic benefits of the proposal in creating jobs and supporting existing employment in the area.

Social - The scheme provides for a mix of both market and affordable housing, which is appraised below, appealing to a wider spectrum within the local market and appealing to groups who may have otherwise been excluded from the locality. There is a range in the type, mix and design of the dwellings. Overall, the scheme would contribute towards the supply of housing which would enhance the quality, vibrancy and health of the local community.

Environmental - The dwellings proposed would be built to reflect the character of the adjacent and whilst the introduction of dwellings on agricultural land would result in a degree of landscape harm, the high quality layout that is proposed which would contribute towards the built local environment.

Based on the above the scheme is considered to comprise a sustainable form of development, in accordance with the NPPF, and would contribute towards the borough's housing shortfall and five year housing land supply.

Summary

In summary, in accordance with Saved Policies NE5 and RES5, residential development is not supported outside the settlement boundary. However, the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and the location of the site on the edge of the existing settlement would be close to services and facilities with Burbage and the wider Hinckley sub-regional centre.

This application for up to 80 dwellings would help boost the supply of housing, contributing towards maintaining the Council's five year supply position.

Whilst Members previously raised concerns with the availability of infrastructure and services within Burbage, there are shops within walking distance, good access to public transport and the availability of schools and medical facilities. No objection has been received from Leicestershire County Council as local education authority as there is capacity within existing secondary schools within Burbage and a contribution towards primary school places will ensure adequate education provision is available. No objection has been raised by the Primary Care Trust in respect of provision being made available at the local medical surgery and a contribution is being sought in respect of enhancing those facilities. Overall based on the previous reason refusal and forthcoming appeal, it would be very unlikely for officers to be able to mount a successful defence of such a case.

On balance, in light of the above, the development is considered to be acceptable in principle, subject to all other material considerations being addressed.

Impact on the Character and Appearance of the Area

As discussed above the site in policy terms lies outside of the defined settlement boundary for Burbage and is therefore within an area designated as countryside. Paragraph 17 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 109 states that the planning system should protect and enhance valued landscapes.

The design criteria i-iv within Saved Policy NE5 of the Local Plan remain relevant to development within the countryside. The policy states that development will only be permitted where the following criteria are met:-

- a) it does not have an adverse effect on the appearance or character of the landscape
- b) it is in keeping with the scale and character of existing buildings and the general surroundings
- c) where necessary it is effectively screened by landscaping or other methods
- d) the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

Policy DM4 of the emerging Site Allocations and Development Management DPD also seeks to resist unsustainable development within countryside locations and seeks to ensure proposals reflect the surrounding character of the countryside.

The site is bound by the M69 motorway to the south east, linear residential development along Lutterworth Road to the north east, allotments to the north and agricultural fields to the west of Workhouse Lane. The proposal would involve building on a greenfield site on land beyond the settlement boundary.

The proposal would result in a degree of conflict with criterion (a) of Saved Policy NE5 of the Local Plan in so far as the development would have an adverse effect on the appearance

and character of the landscape in this location by introducing built residential development into an area of current open countryside. Therefore when considering the environmental dimension to sustainability as set out in the NPPF the proposal would result in a degree of harm to the landscape setting of Burbage by eroding the amount of open countryside to the south of the village.

Notwithstanding the above, the proposal would comply with criteria (b) and (c) of Policy NE5 in so far as it would be in keeping with the scale and character of existing buildings and its surroundings. The site is bound by mature hedgerows interspersed with trees which provide a degree of landscape screening, which would help to soften the impact of the development proposed.

Whilst there would be a degree of landscape impact and harm, this impact would be limited in the context of the existing built form to the north and east and would have only a limited encroachment into the countryside. Overall the proposal would have a limited conflict with Policy NE5 of the Local Plan and Policy DM4 of the emerging Site Allocations and Development Management Policies DPD.

Siting, Design and Layout

Saved Policy BE1 (criterion a) of the Local Plan and Policy DM10 of the emerging Site Allocations and Development Plans DPD seeks a high standard of design to safeguard and enhance the existing environment through a criteria based policy. These criteria include ensuring the development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. Furthermore, one of the core planning principles of the NPPF is to secure a high quality of design in development.

The detailed design, siting, appearance and layout of the scheme are reserved matters however from the indicative masterplan submitted a well designed development laid out to minimise impact on the character of the surrounding area and existing pattern of residential development to the north east could be achieved. Open space and landscaping would be carefully considered as part of any reserved matters submission to ensure that the development would assimilate into its surroundings.

The layout proposed would result in a high quality form of development that would accord with Policy BE1 (criterion a) of the Local Plan, Policy DM10 of the emerging Site Allocations and Development Management DPD and the NPPF.

Housing Mix

Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings. In addition this policy requires at least 40 dwellings to the hectare to be achieved within urban areas unless individual site characteristics indicate otherwise.

The density of dwellings proposed would be 30 dwellings per hectare which would be lower than required by Policy 16. However, given the location of the proposal on the edge of the settlement a lower density is considered to be acceptable in this instance.

The proposed mix is envisaged to include detached two storey dwellings and bungalows in a range of 1, 2, 3, 4 and 5 bedroom homes as indicated in the Design and Access Statement, including both private market and affordable units which would comply with the requirements of Policy 16.

Affordable Housing

As the scheme is within an urban area, Policy 15 of the adopted Core Strategy indicates that 20% of the dwellings should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. For this site based on the 80 dwellings, the provision would be for 16 affordable units; 12 units for social rent and 4 for intermediate tenure.

In accordance with the Affordable Housing SPD the affordable housing would be required to be spread across the site in clusters to ensure a balanced and appropriate mix of market and affordable housing.

There is a demand in Burbage for affordable properties. The applicant is proposing to deliver 20% affordable housing which meets the requirement as set out in Policy 15 of the Core Strategy. The delivery of 20% affordable housing in this area is a material consideration that weighs in the balance of meeting the social needs of sustainability as supported by the NPPF.

Impact on Neighbouring Residential Amenity

Saved Policy BE1 (criterion i) of the Local Plan states that development proposals should not detrimentally impact upon residential amenity.

The nearest residential dwellings adjoining the site are located to the north east along Lutterworth Road. The rear gardens of those properties would back directly onto the site. The detailed design and layout of dwellings would be considered carefully at the reserved matters stage to ensure the dwellings proposed would not directly overlook or impact upon the amenity of neighbouring dwellings.

No's. 120 and 122 Lutterworth Road directly sit adjacent to the existing unmade access track that runs to the rear of dwellings along Lutterworth Road. This access track would be upgraded to a road to serve the proposed dwellings. Whilst these two properties would see an increase in the number of vehicles entering and exiting the site it is not considered that this would result in a significant degree of noise or disturbance to the amenity of those properties.

There are no other dwellings that would be affected directly from an amenity perspective by the proposal. The development is considered to be in accordance with Saved Policy BE1 (criterion i) of the Local Plan and would not have a significant detrimental impact upon residential amenity.

Highway Considerations

Saved Policy T5 seeks to ensure that development proposals do not impact upon highway safety, the satisfactory functioning of the local highway network and provide sufficient levels of parking. This is supported by Policy DM17 of the emerging Site Allocations and Development Management DPD.

The applicant has submitted a Transport Assessment with traffic modelling carried out on junctions close to the site.

The scheme has been considered by Leicestershire County Council (Highways) who state that the traffic generation and distribution proposed by the development is acceptable. The applicant has demonstrated that there are no capacity concerns at the Church Street/Lychgate Lane/Lutterworth Road (B578)/Windsor Street junction. The footway on the

southern side of Lutterworth Road ends near Britannia Road, making a crossing of the road necessary to access services in the village. In addition bus users have to cross Lutterworth Road to access buses travelling in a southerly direction or to return to the site after getting off the bus. A crossing point with additional footway provision is required and this could be provided adjacent to numbers 102/104 Lutterworth Road, with an additional length of footway provided on the eastern side to connect with the existing footway. A condition to require these works has been imposed.

Concern has been raised by residents in respect of the speed of traffic travelling along Lutterworth into Burbage. As part of the works required to upgrade the entrance to the site suitable traffic calming is proposed in the form of a raised junction table which will reduce traffic speeds along this section of highway.

The site is within a reasonable walking distance of schools and facilities within Burbage village. The Highway Authority therefore raises no objection to the scheme, subject to conditions and concludes that the road network is considered capable of serving the additional development from a capacity and safety point of view.

In summary, Leicestershire County Council (Highways) has no objection subject to the imposition of planning conditions. On this basis, the scheme is considered to be in accordance with Saved Policy T5 of the Local Plan, Policy DM17 of the emerging Site Allocations and Development Management Policies DPD and the overarching intentions of the NPPF.

Flood Risk and Drainage

Saved Policy NE14 of the Local Plan and Policy DM7 of the emerging Site Allocations and Development Management Policies DPD states that development proposals should provide satisfactory surface water and foul water measures. In addition the NPPF sets out at Paragraph 100 that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

The application has been accompanied by a Flood Risk Assessment and the scheme has been considered by the Environment Agency, Severn Trent Water and Leicestershire County Council (Lead Local Flood Authority).

The Environment Agency and Leicestershire County Council (Lead Local Flood Authority) have raised no objection to the proposed development subject to conditions relating to surface water and the improvement foul water drainage.

Based on this and the conditions recommended by the Lead Local Flood Authority that have been imposed to provide satisfactory mitigation, it is considered that the development proposed would not lead to flood risk and would be in accordance with the requirements of the NPPF.

Severn Trent Water has raised no objection to the proposal subject to a scheme for surface water drainage and foul water being submitted prior to the commencement of development. It is not considered that the proposal would lead to harm to the quality of groundwater from surface or foul water in accordance with Saved Policy NE14 of the Local Plan and Policy DM7 of the emerging Site Allocations and Development Management DPD.

Archaeology

The application has been accompanied by an Archaeological Survey in conformity with Saved Policy BE14 of the Local Plan and Policy DM13 of the emerging Site Allocations and

Development Management DPD. Paragraph 128 of the NPPF states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Following trial trenching carried out by the applicant, Leicestershire County Council (Archaeology) have raised no objection and consider that the site would be unlikely to contain any significant archaeological remains.

It is therefore considered that the proposal is in accordance with Saved Policies BE14 and BE16 of the Local Plan, Policy DM13 of the emerging Site Allocations and Development Management DPD and the NPPF insofar as it relates to the protection of heritage assets.

Ecology and Trees

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.

An ecological assessment was submitted with the application, which has been considered by Leicestershire County Council (Ecology). The indicative layout conserves main habitats with buffer zones alongside and there is the potential for enhancement through the management and layout of open space. The central hedgerow running through the site should be incorporated as part of the open space as opposed to private gardens through the detailed design and layout of the scheme. A biodiversity management plan for all retained and created habitats including SUDs has conditioned to be submitted to ensure long term future maintenance.

The proposed development is not considered to have any significant detrimental impacts upon ecology or protected species and is therefore in accordance with the NPPF insofar as it relates to the protection of species and biodiversity enhancement.

The Tree Officer has commented that the site layout will need to be amended at the reserved matters stage to allow greater distance from dwellings to the root protection areas of several veteran trees on site. Otherwise the proposal would retain as many of the existing trees on site as possible in the interests of biodiversity and visual amenity. A condition has been imposed requiring details of a full and updated tree constraints plan and tree protection plan prior to the commencement of development.

Noise

Policy BE1 (criterion h) seeks to ensure occupiers of dwellings due not suffer from noise disturbance. Due to the proximity of the site to the M69 motorway the applicant has submitted a noise report which has been considered by Environmental Health (Pollution), who raises no objection and states that modelled predictions show that without mitigation guideline noise levels will be exceeded both internally and in garden areas. The suggested mitigation includes a 3 metre fence to the boundaries of the site with views to the motorway (the entire eastern boundary extending to the western boundary). The report assumes the masterplan used in the report will be the final form and includes separation distances provided by an internal roadway between the M69 and the proposed dwellings and an area of open space in the noisiest area of the site.

Internal noise levels are predicted to be exceeded with windows partially open and as such Environmental Health (Pollution) recommends acoustic ventilation. Where indoor noise criteria are not able to be met with windows partially open mechanical ventilation should be

used to allow purging of rooms without the need to open windows. Mechanical ventilation should be provided to habitable rooms facing the M69 and those properties on the western boundary. A scheme for protecting the proposed dwellings from noise from the M69 has been conditioned.

The built form of the dwellings (used as a noise barrier) should provide adequate attenuation in respect of external noise levels, provided that they are carefully planned so that external guideline noise levels are met. However the final design will be required to be agreed and modelled to ensure that this is the case. A condition has been imposed requiring a scheme to protect occupiers of the proposed properties from noise from the M69 to ensure residents are protected from significant noise disturbance.

Pollution

Saved Policy NE2 and Policy DM7 of the emerging Site Allocations and Development Management DPD seeks to prevent the risk of pollution through development. This is supported by Paragraph 120 of the NPPF which states to prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location.

Environmental Health (Pollution) has raised no objection to the proposal subject to conditions relating to a scheme of investigation for any possible land contamination on the site being carried out prior to the commencement of development.

Subject to those conditions it is not considered that the proposed development would lead to an issue with contaminated land and would be in accordance with Saved Policy NE17 of the Local Plan, Policy DM7 of the emerging Site Allocations and Development Management DPD and Paragraph 120 of the NPPF.

Infrastructure Obligations

Due to the scale of the proposal developer contributions are required to mitigate the impact of the proposed development upon community services and facilities.

The general approach to developer contributions must be considered in accordance with the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The regulations require that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Play and Open Space

Policy 19 of the Core Strategy and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005 - 2010 & Audits of Provision 2007 (Update).

As the proposed development is for housing a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Saved Policies REC2 and REC3 is required.

The site is located within 1km of Britannia Road Recreation Ground, which is categorised within the Green Space Strategy as a neighbourhood open space for outdoor sport. Saved Policy REC2 applies which states a capital contribution of £586.80 is required per dwelling as set out in the Play and Open Space SPD. This is split out at £322.80 capital and £264.00

maintenance for a 10 year period. For 80 dwellings this would total £46,944.00. The contribution would be used to enhance the existing facilities and provide additional formal open space provision at the recreation ground. Occupiers of the dwellings proposed are likely to use this formal open space and therefore increased wear and tear on those facilities would ensue. As such it is considered that the contribution is reasonable in mitigating the impact of the proposed development upon the existing facilities and in order to improve the quality of the existing formal open space through enhancement.

As there is no equipped children's play space within 400 metres of the site an onsite play space is required to be provided on the basis 5 square metres per dwelling which for 80 dwellings would equate to 400 square metres of equipped play space. In addition, 15 square meters per dwelling is required to be provided on site of informal children's play space which for 80 dwellings would equate to 1,200 square metres. Should the developer elect for the parish or borough council to adopt and maintain the provided on site equipped play space and informal play space the cost would be £1,130.00 or £90,400.00 for 80 dwellings. This would be for a 20 year maintenance period. Alternatively the developer may wish to elect to manage and maintain the open space and equipped play space through a management company.

It is considered that the play and open space contribution is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policy 19 of the Core Strategy, Saved Policies REC2 and REC3 Local Plan and the Play and Open Space SPD.

Education

A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis. A contribution of £232,300.99 is sought for primary education. The site falls within the catchment area of Burbage Church of England Infant School and Burbage Junior School and Sketchley Hill Primary School. No contribution is sought for high school or post 16 education provision as there is already an existing capacity for places.

The total education contribution request is £232,300.99. The contribution would be used to address existing capacity issues created by the proposed development. The request is considered to be directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of receipt of the final payment.

Libraries

A contribution request has been made from Leicestershire County Council Library Services for £2,410.00 for use of provision and enhancement of library facilities at Burbage Library and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the library on the local library service arising from the development. The formula is based on £27.18 per 1 bed property, £54.35 per 2 bed property and £63.41 per 3/4/5 bedroom property. It is considered that the library request has not demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility.

Civic Amenity

A contribution request has been made from Leicestershire County Council Environmental Services for £3,962.00 for enhancing the waste facilities at Barwell Civic Amenity Site including providing additional waste collection points and compaction equipment. It is

estimated that there will be an additional 22 tonnes of waste generated by the development and given that the total waste collected is approximately 8,000 tonnes per annum at this civic amenity site, it is difficult to see that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

Transport

A request has been made from Leicestershire County Council (Highways) for Travel Packs (£52.85 per pack) to inform new residents from first occupation what sustainable travel choices are in the surrounding area. Bus passes at two per dwelling for a six month period are required to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. The Travel Packs are to be funded by the developer with two application forms for bus passes at £350.00 per pass.

Improvements are sought for the nearest bus stops on Lutterworth Road (to provide bus shelters) at £4,908.00 per stop. Information display cases for each stop are required at £120.00 per case. As occupiers of the proposed dwellings are likely to use the existing public transport facilities in close location to the site, it is considered that the increase use of the bus stops would lead to a need to provide better level access for residents and an enhancement in the facilities for public transport users. A contribution of £6,000.00 is required for a Traffic Regulation Order at the new access to control existing on street parking and ensure the new access and Lutterworth Road is not obstructed. It is considered that the request is directly, fairly and reasonably related in scale and kind to the development proposed.

Health

NHS England (Leicestershire and Lincolnshire Area) requests £63,251.76 for Burbage Surgery. The list size of this practice has already grown and the practice has very limited space to manage any increases. The practice is at capacity and this development will create increased workload. The contribution would be used towards expanding existing treatment rooms and increasing capacity to enable the practice to offer additional appointments to provide additional care and treatment options for new patients in a primary care setting.

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

Police

Leicestershire Police has provided detailed justification for a S106 request of £27,286.00. This would be split into £2,939.00 for start up equipment for a new police officer that would be required as a result of the development, £1,750.00 towards associated vehicle costs, £168.00 towards additional radio call capacity, £88.00 towards Police National Database additions, £193.00 towards additional call handling, £2,055.00 towards ANPR cameras, £375.00 towards mobile CCTV equipment, £19,558.00 towards additional premises and £160.00 towards hub equipment for officers.

It is considered that this infrastructure is necessary, is fairly and reasonably related in scale and kind to the development proposed and required for the prevention of crime and to create safer communities.

Other Matters

Concern has been raised by neighbouring residents that the proposal would be contrary to the emerging Burbage Neighbourhood Plan. Burbage has been designated as a neighbourhood plan area but as of yet no draft of the neighbourhood plan has been submitted to the Council. The NPPG and Paragraph 216 of the NPPF states that an emerging neighbourhood plan may constitute a material consideration depending on the stage and level of unresolved objections. The neighbourhood area has been designated and the Parish Council have circulated a questionnaire to residents. At this stage given that the neighbourhood plan has no clear policies or way of assessing any objections or how they may be resolved the weight that can be afforded to it is limited.

Conclusion

The NPPF sets out at Paragraph 14 that a balancing exercise must be undertaken in respect of the sustainability of the proposed development. The proposed development would be located in a sustainable location close to the centre of Burbage which offers facilities and services. The delivery of housing would bring economic and social benefits, in providing both market and affordable housing. The level of affordable housing proposed at 20%, meeting the policy requirement, is considered to be a material consideration that weighs in the balance of meeting the social sustainability requirements. The development would not harm ecology, archaeology or heritage and nor would it pose a flood risk. The impacts of the development on the local highway network have been considered and subject to the required traffic calming works that have been conditioned would not pose a highway safety concern.

Collectively the above factors weigh in favour of recommending that permission be granted. In reaching this recommendation the views and concerns raised by local residents have been carefully considered and taken into account.

RECOMMENDATION:- Grant subject to conditions and S106 agreement

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Conditions:-

- 1 An application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- 2 Approval of the following details (hereinafter called "reserved matters") shall be obtained from the local planning authority in writing before any development is commenced:
 - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.
 - b) The scale of each building proposed in relation to its surroundings.
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.

- d) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.
- 3 This permission and the development hereby permitted shall be carried out in accordance with the submitted layout details as shown on:- Dwg No. 14-164-02C Lutterworth Road, Burbage - Masterplan.
- 4 Construction shall be limited to 08:00 - 18.00 hrs Monday to Friday and 09:00 - 13:00hrs Saturdays with no working on Sundays or Bank Holidays.
- 5 No development shall commence until a Construction Transport Management Plan (TMP) is submitted to and approved in writing by the local planning authority. The plan shall set out details and schedule of works and measures to secure:-
- a) cleaning of site entrance, facilities for wheel washing, vehicle parking and turning facilities; and
 - b) the construction of the accesses into the site, the erection of any entrance gates, barriers, bollards, chains or other such obstructions.
- 6 No development shall commence above base course until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.
- 7 No development shall commence until such time as the proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 8 The development shall be carried out in accordance with the recommendations of the Ecology Report by Aspect Ecology dated November 2014.
- 9 A biodiversity management plan for all retained and created habitats including SuDs shall be submitted prior to the occupation of the first dwelling shall be submitted to submitted to and approved in writing by the Local Planning Authority to ensure long term future maintenance.
- 10 Notwithstanding the arboricultural report prepared by Aspect Arboriculture dated November 2014, prior to the commencement of development an updated full Arboricultural Implications Assessment and Tree Protection Plan to BS5837 2012 to include hedgerows will be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 11 No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority.

The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission

of drainage calculations; and the responsibility for the future maintenance of drainage features. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Full details for the drainage proposal shall be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this shall be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

- 12 No development shall commence until a scheme for the improvement of the main foul water sewer system has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved. No occupation of dwellings approved by this permission shall occur until the improvement scheme has been completed.
- 13 Development shall not begin until a scheme for protecting the proposed dwellings from noise from the M69 has been submitted to and approved by the local planning authority; and all works which form part of the scheme shall be completed prior to the occupation of any dwelling. Where the "reasonable" standard specified in Table 5 of BS8233:1999 (Sound insulation and noise reduction for buildings-code of practice), can only be met with windows closed, habitable rooms will be fitted with acoustically attenuated active ventilators approved for use under the Noise Insulation Regulations 1975 or alternative ventilation systems of equal acoustic and cooling performance.
- 14 Prior to commencement of development, the scheme for an acoustic barrier, window specifications and ventilation shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the plots where the measures are proposed.
- 15 No development shall commence until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.
- 16 If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the local planning authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.
- 17 Prior to first occupation of the development hereby permitted, visibility splays of 2.4 metres by 73 metres shall be provided at the junction of the access with Lutterworth Road. These shall be in accordance with the standards contained in the current Leicestershire County Council design guide and shall thereafter be permanently so maintained.
- 18 No development shall commence until details of off-site highway works being to provide a new crossing point across Lutterworth Road with additional footway (adjacent to No's 102 to 104 Lutterworth Road) and an additional length of footway

provided on the eastern side of Lutterworth Road to connect with the existing footway, is approved in writing by the local planning authority. No dwelling shall be occupied until that scheme has been constructed in accordance with the approved details.

- 19 No development shall commence until details of design for off-site highway works being the site access and traffic calming proposals in general accordance with Rogers Leask (plan no P14-296 SK100 rev. B) have been approved in writing by the local planning authority. No dwelling shall be occupied until that scheme has been constructed in accordance with the approved details.
- 20 Before first occupation of any dwelling, car parking shall be provided, hard surfaced and made available for use to serve that dwelling on the basis of 1 space for a dwelling of one bedroom, 2 spaces for a dwelling of two or three bedrooms and 3 spaces for a dwelling with four or more bedrooms. The parking spaces so provided shall thereafter be permanently so maintained.
- 21 Prior to first occupation details of a Residential Travel Plan shall be submitted to and agreed in writing by the local planning authority. The plan, once agreed, shall be implemented in accordance with the approved details, and thereafter, the implementation of the proposals and the achievement of targets of the plan shall be subject to regular monitoring and review reports to the local planning authority and, if invoked, to the implementation of the specified additional measures.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 This planning permission is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- 3 To ensure the development is carried out in accordance with the submitted details, for the avoidance of doubt and in the interests of proper planning.
- 4 To ensure the protection of neighbouring residential amenity during construction to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure the protection of neighbouring residential amenity during construction and in the interests of highway safety to accord with Policy BE1 (criterion i) and Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 8-10 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 11 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to

minimise the risk of pollution in accordance with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001.

- 12 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policies NE13 and NE14 of the adopted Hinckley and Bosworth Local Plan 2001.
- 13&14 In the interests of protecting the amenity of future occupiers to accord with Policy BE1 (criterion h) of the adopted Hinckley and Bosworth Local Plan 2001.
- 15&16 In the interests of protecting the amenity of future occupiers from possible contamination to accord with Policy NE2 of the adopted Hinckley and Bosworth Local Plan 2001.
- 17 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 18 To ensure a safe and convenient pedestrian access is provided to the nearest bus stops and services in the village centre to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 19 In the interests of highway safety to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 20 To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area to accord with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001
- 21 To ensure that adequate steps are taken to achieve and maintain reduced travel, traffic and parking impacts and to provide and promote use of more sustainable transport choices to and from the site in order to relieve traffic and parking congestion, promote safety in accordance with the National Planning Policy Framework.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Simon Atha Ext 5919