

Planning Committee 7 November 2017
Report of the Planning Manager Development Management

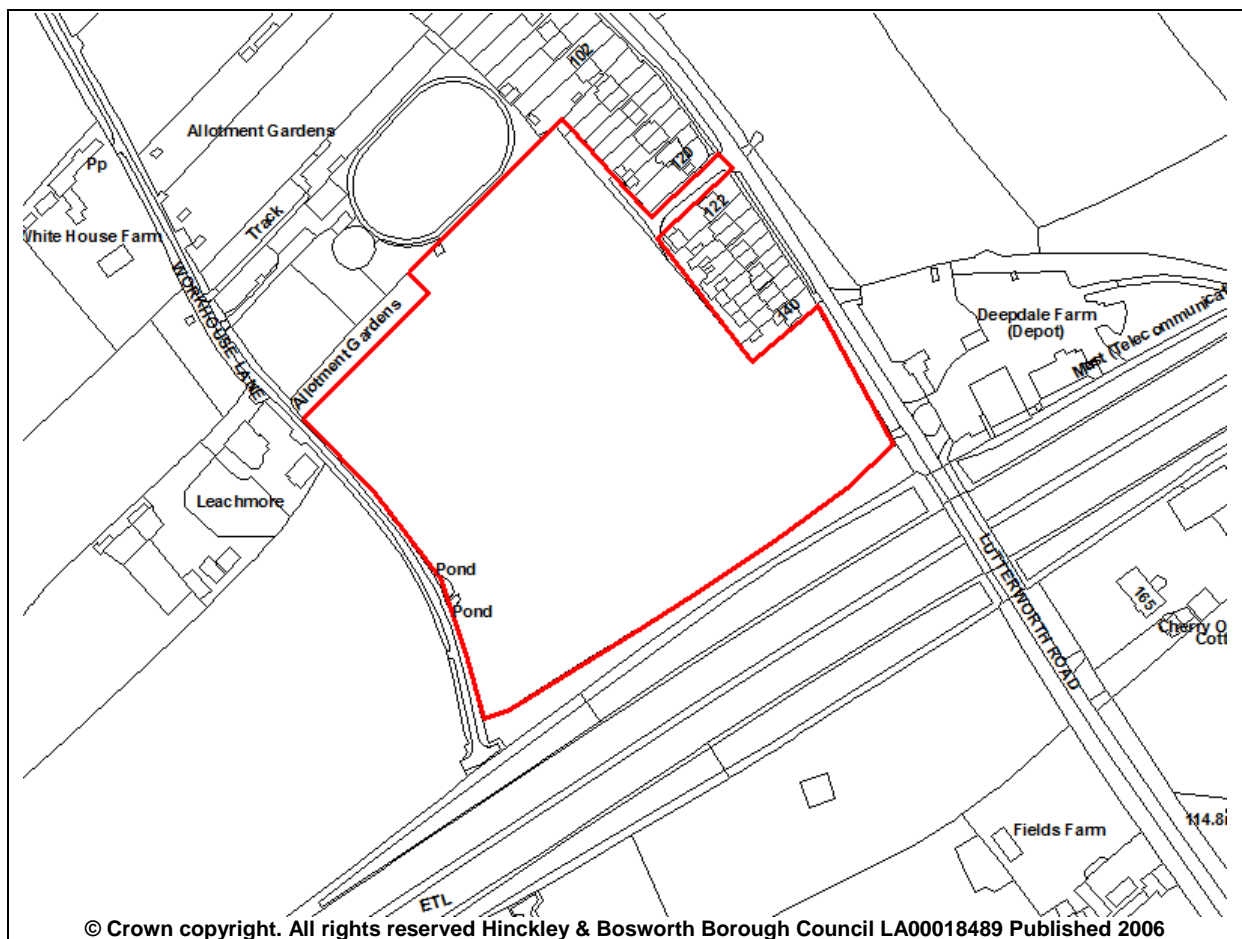


Hinckley & Bosworth
Borough Council

Planning Ref: 17/00795/REM
Applicant: Miss Georgina Hallam
Ward: Burbage Sketchley & Stretton

Site: Land To The South West Of Lutterworth Road Burbage

Proposal: Approval of reserved matters (appearance, layout, scale and landscaping) of outline planning permission 15/01292/OUT for residential development of 72 dwellings



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1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. This is a reserved matters application for details in regard to appearance; layout, scale and landscaping following the grant of outline permission reference 15/01292/OUT. The outline planning permission was for the erection of up to 80 dwellings and provided details of the access. The access to the development would

be taken from Lutterworth Road, situated to the east of the site via an existing private unmade road between No's.120 and 122 Lutterworth Road. Therefore the principle of residential development and the location of the access point is not an issue for consideration as part of this reserved matters application.

- 2.2. This application is for a total of 72 dwelling, which consists of 58 market dwellings and 14 affordable dwellings. The market dwellings consist of 15 x three bedroomed dwellings and 43 x four bedroomed dwellings. The affordable dwellings consist of 4 x 1 bedroomed dwellings, 5 x 2 bedroomed dwellings and 5 x 3 bedroomed dwellings.
- 2.3. During the course of the application the layout has been amended to retain and protect existing trees worthy of retention on site, which has enabled the rural character to penetrate through the development. The removal of the proposed pedestrian access onto Workhouse Lane from the application site. The removal of the proposed pumping station, and amendments to the siting of proposed plots within the site and house types to get a greater number of three bedroomed dwellings.

3. Description of the Site and Surrounding Area

- 3.1. 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.
- 3.2. The centre of Burbage is located approximately 800 metres from the site.
- 3.3. 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).

4. Relevant Planning History

15/00028/PP	Residential development for up to 80 dwellings, open space and associated works (outline - access only)	Withdrawn	28.01.2016
14/01205/OUT	Residential development for up to 80 dwellings, open space and associated works (outline - access only)	Refused	02.04.2015
15/01292/OUT	Residential development for up to 80 dwellings, open space and associated works (outline - access only) (resubmission)	Outline permission	27.01.2016

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press and 11 letters of objection have been received raising the following concerns:-

- 1) A traffic survey as outlined in the minutes of the planning committee meeting on 26 January 2016 point 366 has not been carried out and therefore full planning permission under reserved matters should not be granted
- 2) The surfacing of the existing access road for residents should be improved with tarmac in addition to the resident car parking
- 3) Parking bays need signs indicating that they are for residents
- 4) The new access road should have double yellow lines or no parking signs
- 5) There is a lack of screening planting between the new development and the existing dwellings and existing planting retained behind 122-140 Lutterworth Road
- 6) More mature trees should be retained
- 7) Area is already overdeveloped
- 8) The development would result in an increase in traffic on an already busy road
- 9) The development would result on increase pressure on schools, doctors and dentists
- 10) The access is very dangerous as it is without 200 cars using it
- 11) There is an existing flooding issue on site, the dwellings along Lutterworth Road flood
- 12) The submitted Noise Impact Assessment is flawed, as levels recorded in positions P1 to P4 were all taken from behind the existing trees, hedgerows and scrub land, which in themselves provide noise mitigation, and are outside the ownership of the developer and could therefore be removed at any point, and in doing so would raise noise levels. The effects of these higher noise levels would mean that sound insulation and noise reduction would need to be recalculated
- 13) There is a significant discrepancy between the amended plans in the siting of the proposed 3-4 metre high acoustic barrier fence along the southern boundary of the proposed development. The plans shows the acoustic fence close to the site boundary and lying under the canopy of a neighbouring hedgerow including mature trees. Therefore how can the hedgerow and trees be protected during and post development and meet condition 10
- 14) The existing hedgerow would have to be cut back vertically to its centre and the lower branches of the existing trees pruned horizontally to allow the acoustic barrier to be erected. This would require the permission from the owner of the hedgerow and trees
- 15) Section C-C of the Acoustic barrier section plan 1672-08-02-135 shows that to erect fencepost, holes would have to be dug for the fence panels, 1 metre deep and surrounded by concrete, this would cause irreparable damage to the roots of neighbouring hedgerow and its trees
- 16) If the acoustic fence is to be erected beyond the canopy of the trees than this would affect the internal road layout and would leave no room for a 5 metre buffer zone as recommended by Aspect Ecology and in accordance with Condition 8
- 17) The acoustic barrier location plan 1692-08-02-135 Rev A should the addition of 4 parking spaces for plots 24, 26, 27 and 28 between the access road and the acoustic barrier, this would result in further damage to neighbouring hedgerow and trees

- 18) No updated 'Full Arboricultural Implications Assessment and Tree Protection Plan to include hedgerows has been submitted, in light of the amendments. This is contrary to Condition 10
- 19) In the south east corner of the site to the rear of plots 15-18 the Acoustic Barrier location shows that there is an overlap between the barrier and the planning application site boundary. The acoustic barrier therefore lies outside the application site. It also terminates just at the point where noise levels are raised due to the leakage from the bridge over the M69. This will lead to noise above the WHO guidelines
- 20) The proposed acoustic barrier running parallel with Workhouse Lane will consist of a fence and landscaped bund of 1.5 metres. A bund of this height would require a base of 4 metres wide, and would extend to the centre of our boundary hedgerow. Developers would require permission from land owner and would damage the hedgerow
- 21) The proposed acoustic bund would result in the neighbouring land being more liable to flooding
- 22) The amended site plan has removed the proposed pumping station for foul water sewerage and replaced with a children's play area. Concerned as to how it will be managed on site, given the sloping topography
- 23) Conditions imposed upon the outline planning permission can not be achieved by the developer
- 24) The proposed children's play area would be in close proximity to the overflow pond and could be dangerous

6. Consultation

- 6.1. No objection, some subject to conditions, has been received from the following:

Leicestershire County Council (Ecology)
 Leicestershire County Council (Archaeology)
 Environment Agency
 Severn Trent
 Hinckley and Bosworth (Waste)
 Cycling UK
 Highway England
 Leicestershire County Council (Lead Local Flood Authority)

- 6.2. Further comments are awaiting to be received from:-

Leicestershire County Council (Highways)
 Environmental Health (Pollution)
 Arboricultural Officer

- 6.3. Burbage Parish Council objects on the following grounds:-

Noise mitigation measures are not satisfactory for those dwelling adjacent to the M69

7. Policy

- 7.1. 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

- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement and 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

- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2012)
 - Planning Practice Guidance (PPG)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Affordable housing
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact upon Drainage and Flood Risk
- Noise
- Ecology
- Impact upon Trees
- Impact upon existing Infrastructure
- Other Matters

Assessment against strategic planning policies

8.2. Paragraphs 11 - 13 of the National Planning Policy Framework (NPPF) state that the development plan is the starting point for decision taking and that the NPPF is a material consideration in determining applications.

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

8.4. The development would result in new residential development in a countryside location, contrary to Policy DM4, however there is an extant permission on the site which was granted prior to the adoption of the SADMP. This application is for matters reserved under outline planning permission reference 15/01292/OUT. The outline application assessed the principal of residential development in this location, which was considered acceptable.

Design and impact upon the character of the area

8.5. The site in lies outside the defined settlement boundary of Burbage and therefore within an area designated as countryside. Policy DM4 of the SADMP seeks to resist unsustainable development within countryside locations and seeks to ensure

proposals reflect the surrounding character of the countryside, and protect its intrinsic value, beauty and open character. Policy DM10 of the adopted SADMP requires developments to complement and enhance the character of the surrounding area.

- 8.6. Paragraphs 57, 58 and 64 of the NPPF require that development is of high quality and inclusive design which function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site, respond to local character and history reflecting the local surroundings and materials, create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion and are visually attractive as a result of good architecture and appropriate landscaping.
- 8.7. The site is situated to the south east of Burbage and comprises of approximately 3.4 hectares made up of two agricultural fields with a number of hedge rows and mature trees to the north, south and west boundaries of the application site, as well as a centrally located field boundary which comprises of a mix of mature hedgerow and trees, dissecting the application into the two parcels. The immediate area is generally characterised by two storey properties of a variety of styles.
- 8.8. The proposal is for a total of 72 dwellings situated to the rear of the existing dwellings which front onto Lutterworth Road. A single point of access is from Lutterworth Road and would split out to create two primary internal roads through the site, extending to the west and to the south. The existing hawthorn hedge and mature trees present within the centre of the application site, has been retained creating a green corridor through the site. The proposed dwellings have been orientated to provide a strong street frontage and respond to the natural constraints present on the site, with the existing trees and hedgerows incorporated into the layout where possible.
- 8.9. The proposal includes a mixture of dwellings, offering dwellings of differing designs and heights, providing interest to the proposed street scenes. The proposed scheme includes 13 different house types across the site, providing predominately detached and semi detached two storey dwellings, in addition to some terraced properties, which would result in a varied character across the site and would ensure there is interest in all street scenes. The design of the properties whilst from the builder portfolio do include key features such as porches, projecting gables, door and cill details and dual aspect dwellings. Additionally a varied pallet of materials to include brick and render is proposed across the site which would add to the varied character.
- 8.10. The proposed scheme contains a higher number of medium to larger family dwellings than recommended by Policy 16 of the Core Strategy and through the course of the application an increase number of 3 bedroomed market dwellings is proposed. Whilst the provision of medium and larger family homes is higher on the site, they are reflective of the size of surrounding dwellings in the area, the site is also providing 20% affordable housing provision as required by Policy 15 of the core strategy, which is providing smaller to medium sized units on the site and as such would not result in a detrimental impact towards the mix and provision of dwellings for the borough and is acceptable.
- 8.11. The density of the site is lower than the required 40 dwellings per hectare as identified in Policy 16 of the Core Strategy. However the application site is in close proximity to the M69 corridor which is a significant constraint to the application site, which results in the requirement of mitigation measures to ensure acceptable living

conditions for any future occupants. In addition to this, due to the significant scale of the proposal it has necessary for the site to include an attenuation pond which would be located to the south west corner of the application site. Furthermore having regard to the semi rural nature of the area, and the retention of important trees and existing hedgerows as well as the proposed mitigation measures the density is considered to be appropriate.

- 8.12. In terms of proposed landscaping the development has been heavily influenced by the existing mature landscape features on site, with the proposed development integrating and responding the existing landscape features. In addition to the existing landscape features, additional shrub and tree planting is proposed through the development which would enhance the 'green character' of the proposed development and complement the existing features on site. Areas of green space are provided throughout the development, with the north west boundary providing a green edge to the development, with the inclusion of a swale, attenuation pond and play provision. The existing hedgerow and tree line which dissects through the centre of the application site is to be retained and provide a green corridor and walk way through the development towards the swale and play provision adding to the semi rural nature of the site and ensures the rural character of the site is present throughout the development site and ensures the development would assimilate into its surroundings.
- 8.13. Appropriate soft landscaping and planting as part of the proposed landscaping would take place within individual plots and open space areas within the site to ensure the development is landscaped to a high quality. Boundary treatments are proposed across the site in the form of close boarded fences to the rear of the dwellings enclosing rear curtilages, and for corner plots where rear gardens are positioned adjacent to the proposed road ways, 1.9 metre high walls with fence panels are proposed with plot frontages being left open. Areas of play and open space would also be appropriately enclosed along with the proposed attenuation pond. Overall it is considered that the proposed landscaping would contribute to a high standard of design and siting.
- 8.14. The proposed residential redevelopment of the site would therefore be in accordance with Policy DM10 of the adopted SADMP and acceptable in respect of Policy 16 of the adopted Core Strategy in this case.

Affordable Housing

- 8.15. Policy 15 of the Core Strategy seeks urban areas such as Burbage on sites of more than 15 dwellings to provide on site affordable housing at a site target of 20%. The affordable housing provision on site is 20%, which is set out in the Section 106 agreement for the outline application and as such would accord with Policy 15 of the Core Strategy. The affordable housing would provide dwellings from 1 bedroomed to 3 bedroomed dwellings, the proposed dwellings would be situated predominately to south of the site, with 1 one bedroomed dwellings to the north, integrated into the development. The affordable housing provision and mix is acceptable and therefore in accordance with Policy 15 of the Core Strategy.

Impact upon Residential Amenity

- 8.16. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.

- 8.17. The nearest residential dwellings are located to the north east of the site along Lutterworth Road. The rear gardens of those properties back directly onto the site, and have garden depths of 15- 20 metres. The proposal includes separation distances in excess of 30 metres, with the exception of Plot 7 which would be situated within approximately 7 metres of the side elevation of No.140 of Lutterworth Road, which is a 2 storey detached dwelling. Plot 7 would face the blank side elevation of this dwelling; a integral garage would extend to the front of this dwelling with the proposed principal elevation of this dwelling set back. Landscaping is also proposed along this boundary, to soften the development. Given this relationship, separation distance and the proposed landscaping along the boundary of No.140 there would be no impact upon this dwelling in terms of loss of light or overlooking.
- 8.18. The proposed dwellings would be served by reasonable sized gardens to provide adequate amenity space of future occupiers. The dwellings would be sufficiently separated from one another to avoid overlooking or indivisibility of windows. Where dwellings are positioned on opposite sides of the proposed road serving the development, dwellings are set back from the road and have been positioned and designed that dwellings do not directly face into similar opposing habitable rooms, further reducing overlooking across the development. Therefore the proposed layout would afford future occupiers a reasonable level of amenity.
- 8.19. The development has been designed to ensure there would be no detrimental impact upon the existing and future neighbouring amenity and is therefore in accordance with Policy DM10 of the SADMP.

Impact upon Highway Safety

- 8.20. Policy DM17 of the SADMP states that all new development should in be accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.21. The outline planning permission approved the location of the access and therefore this is not for consideration through this application.
- 8.22. The proposal includes parking for all proposed dwellings, for one bedroomed dwellings one parking space is provided per plot and for two and three bedroom dwellings two parking spaces or more are provided per plot and for four bedroom dwellings three or more parking spaces are proposed for each plot. Condition 20 of the outline planning permission also identifies the expected level of provision to serve each dwelling. In addition to proposed resident parking, the scheme seeks to provide 18 parking spaces in total, to the rear of those existing dwellings along Lutterworth Road for resident parking, which would be accessed via a track.
- 8.23. Within the proposed development, the scheme includes traffic calming to ensure vehicle speeds within the development are below 30mph as well as double bollards proposed on the Lutterworth Road to reduce speeds on the approach to the access of the site. The scheme has been considered by Leicestershire County Council (Highways) who has requested further amendments to the proposed traffic calming, and shared surfaces on site. Revised plans have been received amending the proposed traffic calming points, as to ensure there is no more than 60 metres between each raised table, kerb radii amended on site to ensure they comply with the 6C's Design Guidance and appropriate surfacing is provided.

- 8.24. The consultation response on the amended site layout and additional information from Leicestershire County Council (Highways) has not been received at the time of writing this report and will be reported as a late item to this agenda.
- 8.25. Subject to no significant objections being received from Leicestershire County Council (Highways), the proposed amended scheme would not result in any significant adverse impacts on highway or pedestrian safety and would provide adequate parking provision to serve the proposed development. It would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Impact upon Drainage and Flood Risk

- 8.26. Policy DM7 of the SADMP requires adverse impacts from flood to be prevented and that development should not create or exacerbate flooding by being located away from area of flood risk unless adequately mitigated.
- 8.27. The impact of the proposed development upon drainage and flooding has already been considered through the outline application. The outline application was accompanied by a Flood Risk Assessment and has previously been considered by the Environment Agency, Severn Trent, Leicestershire County Council (Lead Local Flood Authority) and Environmental Health (Drainage) have no objection subject to the imposition of conditions.
- 8.28. The proposed layout was first submitted with a pumping station situated to the south west of the site to deal with surface water, the amended scheme has removed the proposed pumping station, as the applicant is proposing to utilise a gravity solution to manage on site water, therefore removing the need for a pumping station. The precise details of the proposed drainage scheme is reserved by pre-commencement conditions 11 and 12 imposed on outline permission 15/01292/OUT, which would be agreed by the Lead Local Flood Authority and prior to development.
- 8.29. The development would not exacerbate flooding through submission of drainage details to comply with conditions 11 and 12 imposed on planning permission 15/01292/OUT and therefore accords with Policy DM7 of the SADMP.

Noise

- 8.30. Policy DM10 of the SADMP seeks to ensure that the amenity of the occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site. Paragraph 123 of the NPPF advises that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 8.31. The application site is in close proximity of the M69 motorway where expected noise levels are high. Due to this close relationship to the proposed development site and the M69 motorway noise levels on the site are high and mitigation would be required to achieve acceptable noise levels on site. Conditions 13 and 14 of the outline permission seeks a scheme for protecting the proposed dwellings noise and a proposed acoustic barrier to be agreed. During the course of the application the developer has submitted a noise survey and mitigation measures to be proposed on site. The submitted report models the proposed mitigation measures, which includes an acoustic barrier to the perimeter of the site closest to the noise source, the M69 motorway. Suggested mitigation for the worst affected properties as identified within the report are in the form of improved glazing and proposed use of

trickle ventilation on those dwellings most identified within the noise impact survey as being most affected.

- 8.32. A continuous barrier which varies between 3 to 4 metres dependant on the existing terrain height of the site would be provided along the southern and western boundary, which would be made up of a bund with a close boarded acoustic fencing above. The proposed barrier would seek to reduce noise levels across the site from the road traffic on the M69 and provide ambient noise levels.
- 8.33. Environmental Health (Pollution) has commented on the proposed means of mitigation to those properties most affected. The development would introduce a sensitive receptor in close proximity of a significant source of noise, and therefore a reasonable level of protection to the future occupiers of the plots most affected is necessary. The proposed mitigation seeks to use trickle ventilation on windows as a means to ventilate dwellings, however it is reasonable to expect future occupants to have the option to regulate temperature during the summer months through opening a window. However this would expose occupants to higher than desirable levels of noise intrusion, especially if they are solely reliant on the ability to open a window to assist with thermal control to properties. It would therefore be considered reasonable to seek that plots identified as being exposed to noise levels above 35dB (night time LAeq bedrooms) and 40dB (Daytime LAeq Living rooms) should be provided with mechanical ventilation to allow future occupiers the choice of how to ventilate rooms.
- 8.34. Notwithstanding these details however conditions 13 and 14 for a scheme to protect dwellings from noise from the M69 as well as all specifications and details of window and ventilation proposed are to be submitted to and agreed by the Local Planning Authority, to ensure an acceptable level of living condition for future occupants are proposed and agreed prior to any development. At present the current mitigation measures would not satisfy conditions 13 and 14.
- 8.35. Objections have been received in relation to the scrub land and trees situated between the development and the M69 corridor which are outside the control of the developer and could be removed, which would have an effect upon the measured noise levels, which have been modelled for the site. However trees/scrub land would not have any significant effect on noise levels, and therefore the removal of this area of existing planting would not have any harm nor would it warrant any noise modelling to take this situation into account.
- 8.36. Therefore subject to the submission of appropriate noise mitigation for the facades of proposed dwellings most affected by the M69, as required by Conditions 13 and 14 of outline permission 15/01292/OUT, the proposed development would be in accordance with Policy DM7 of the SADMP.

Ecology

- 8.37. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.38. The application has been accompanied by an updated Ecology Report. The content of this has been considered by Leicestershire County Council (Ecology). The proposed layout responds to the existing site features such as the west and

southern hedgerows and the retention of the existing mature hedgerow which dissects the application site, which are important features on the site. Leicestershire County Council (Ecology) have no objections to the proposed layout of the site, however there is concern over the introduction of viburnum lanata to the native hedgerow and shrub mix which is not a common feature in this area. However this can be controlled by way of a landscaping condition, to ensure the right mix of proposed planting is proposed, as well as maintaining clear buffer zones of at least 5 metres is proposed alongside all natural hedgerows. Leicestershire County Council (Ecology) therefore have no objections subject to the imposition of conditions. Accordingly, subject to conditions the development would be in accordance with Policy DM6 of the adopted SADMP by securing biodiversity enhancements.

Impact upon Trees

- 8.39. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.
- 8.40. The application has been accompanied by an Arboricultural report considering the impact that the development proposal may have upon the surrounding trees and providing any mitigating measures.
- 8.41. The proposed layout has been designed to accommodate key features present on site, including surrounding mature trees and providing any mitigation measures. The tree officer has visited the site and assessed the submitted tree schedule which accompanied the application. The tree survey contains an assessment of 23 trees, 10 tree groups and 3 hedgerows. Groups 1, 2 and Tree 1 and Tree 2 which are situated along the north west boundary of the application site and are situated to the rear of plots 69 – 72 have been identified as worthy of retention and as such a Tree Preservation Order is sought. Tree 13, an Ash, is situated in the central hedgerow and also identified as worthy of a preservation order and a greater root protection area has been sought, resulting in plots 19 and 20 being set further away and the loss of one visitor parking space, this removes any hard surfacing within the Root Protection Area and falls outside the trees canopy.
- 8.42. During the course of the application an Arboricultural Impact Assessment has been submitted, and a proposed method statement for the construction of the proposed acoustic barrier which passes through the proposed root protection area of trees 9-11. The statement outlines that post hole must be excavated by hand and lined with an impermeable membrane to prevent concrete leachate from coming into contact with tree roots.
- 8.43. Trees which have been identified to be removed are limited to where it is unavoidable to the site development, and where the amenity value of the tree would be significantly reduced and if they are of a low retention arboricultural quality. The development would also provide an opportunity for replacement tree planting. Existing hedgerows should seek the addition of infill planting with native species to improve existing hedgerows where required and the imposition of a condition requiring the submission of a landscaping scheme is necessary to ensure adequate proposed planting and use of native species is secured.
- 8.44. Consultation on the proposed mitigation measures and additional information from the Tree Officer has not been received at the time of writing this report and will be reported as a late item to this agenda.

Impact upon Existing Infrastructure

- 8.45. A Section 106 was signed for the outline planning application which agreed contributions towards; improvement works; civic amenities; health care contribution to the primary care trust; police; education including primary and upper education; and travel packs and bus passes for dwellings.

Other matters

- 8.46. Objections have been received on the grounds of land ownership, and the proposal resulting in the damage to neighbouring land. Landownership is a civil matter and is not a material planning consideration. Any encroachment into neighbouring land or damage to third party land would be controlled through other legislation.
- 8.47. Objections have been raised in respect to conditions which have been imposed on outline permission 15/01292/OUT that have not been discharged prior to this application. Details reserved by condition are required to be submitted to the Local planning Authority for consideration and agreement. With the except of condition 2 of planning permission 15/01292/OUT there is no requirement for any details to be submitted prior to the reserved matters application.

9. Equality Implications

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

10. Conclusion

- 10.1. Following revisions of the layout it is considered that the design, scale and layout of the development would provide a semi-rural character in keeping with the principles of the outline planning application. The proposal respects the existing mature trees and hedgerows and where possible retained important trees. The design of the dwellings ensures interest and variety in the street scene and the proposed landscaping scheme would help enhance the existing green character and reduce the urban character. The development would provide an appropriate mix of dwelling and the provision of 20% of dwelling would help towards the affordable housing provision for the borough. The application is therefore considered acceptable and in accordance with Policies DM1, DM4, DM6, DM7, DM10, DM11, DM12 DM17 and DM18 of the SADMP the overarching intentions of the National Planning Policy Framework.

11. Recommendation

11.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. That the Planning Manager Development Management be given powers to determine the final detail of planning conditions.

11.3. Conditions and Reasons

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:-

Cambridge – Brick Elevations
Cambridge – Render Elevations
Ludlow - Floor Plans
Ludlow – Brick Elevations
Ludlow – Render Elevations
Marlow + - Floor Plans & Elevations
Shaftesbury – Floor Plans
Shaftesbury – Elevations
Shrewsbury + - Brick Elevations
Shrewsbury + - Render Elevations
Dart (Four Block) - Floor Plans
Dart (Four Block) – Elevations
SP2 – Floor Plans
SP2 – Elevations
Tavy (Four Block) – Floor plans
Tavy (Four Block) – Elevations
Single Garage
Twin Garage
9592 TCP 01 – Tree Constraints plan
9592 TPP 01 – Tree Protection Plan
ECO3933 – Ecology Report Update (July 2017)
Received 7 August 2017

1692-08-02-112 Rev B – Street Scenes
1692-08-02-116 Rev B – Sections
6268.PP.1.0D – Planting Plan 1
6268.PP.1.1D – Planting Plan 2
6268.PP.1.2D – Planting Plan 3
6268.PP.1.3D – Planting Plan 4
6268.PP.1.4D – Planting Plan 5
6268.Land.Man.003 – Landscape Management Plan
6268.PSD.2.0D – Play Space Plan 1
6268.PSD.2.1D – Play Space Plan 2
Received 9 October 2017

1692-08-02-135 RevA – Acoustic Barrier Section
Sherbourne – Brick Elevations
Sherbourne – Render Elevations
Received 19 October 2017

1692-08-02-100 Rev D – Site Plan
1692-08-02-110 Rev D – Coloured Site Plan

1692-08-02-111 Rev E – Materials Plan
1692-08-02-121 Rev E – Enclosures Plan
1692-08-02-122 Rev D – Proposed FFL's
1692-08-02-134 Rev B – Acoustic Barrier Location Plan
Canterbury – Floor Plans
Canterbury – Elevations
Oxford - Brick Elevations
Oxford - Render Elevations
P17-186 - SK500 - Site Access Proposals
Received 20 October 2017

9592 TS 01 – Tree Schedule
9592 AIA.001 - Arboricultural Impact Assessment
Received 23 October 2017

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

2. Notwithstanding the details submitted on landscaping scheme Dwg No's

6268.PP.1.0D – Planting Plan 1
6268.PP.1.1D – Planting Plan 2
6268.PP.1.2D – Planting Plan 3
6268.PP.1.3D – Planting Plan 4
6268.PP.1.4D – Planting Plan 5

No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- a) Means of enclosure
- b) Car parking layouts
- c) Other vehicle and pedestrian access and circulation areas
- d) Hard surfacing materials
- e) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.)
- f) Planting plans
- g) Written specifications
- h) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- i) Implementation programme

Reason: To ensure that the development has a satisfactory external appearance and enhances and conserves the biodiversity of the application site to accord with Policy DM4, DM6 and DM10 of the Site Allocations and Development Management Policies DPD.

11.4 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.