

Erection of 166 dwellings with associated public open space, infrastructure and National Forest planting (Reserved matters to outline planning permission reference number 17/00423/VCUM)

Report Item No
A1

Land Off Greenhill Road Coalville Leicestershire

Application Reference
17/01326/REMM

Applicant:
Mrs Amy Gilliver

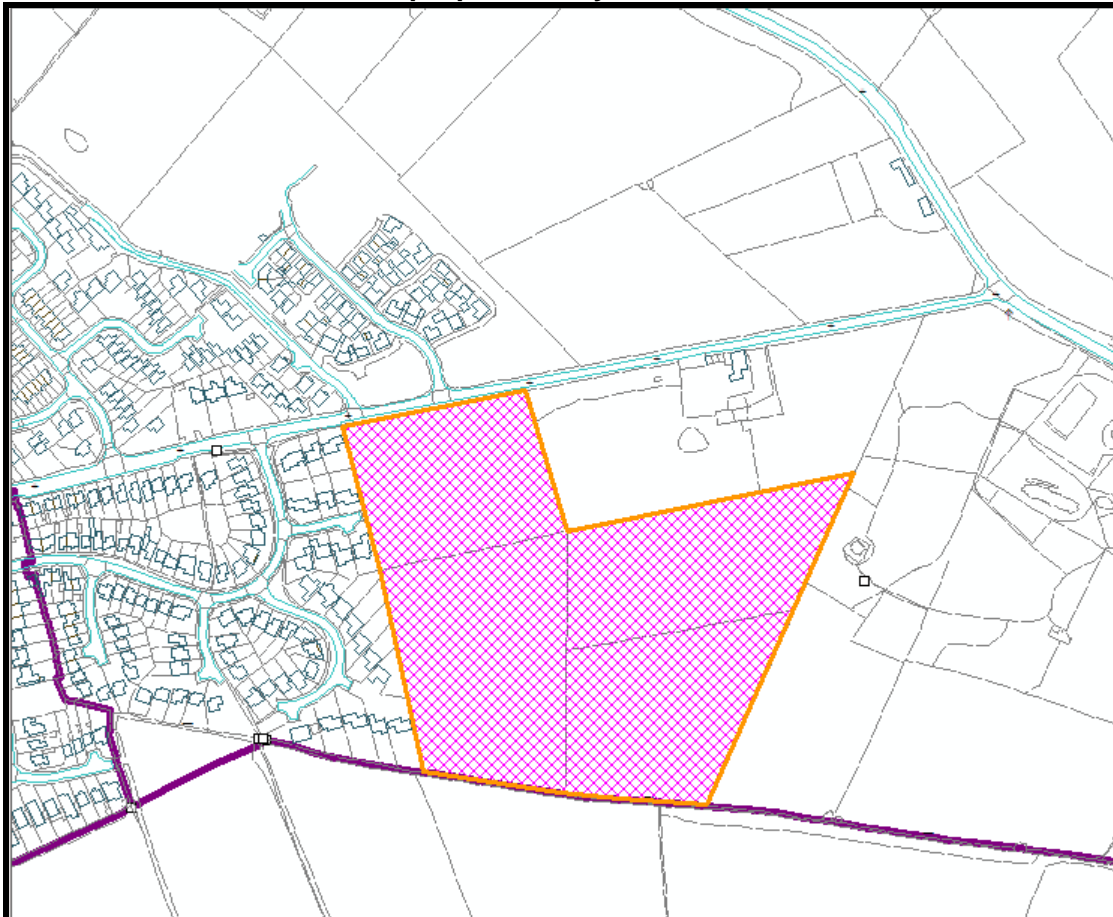
Date Registered:
21 September 2017
Consultation Expiry:
13 February 2018
8 Week Date:
21 December 2017

Case Officer:
James Knightley

Extension of Time:
16 February 2018

Recommendation:
PERMIT subject to S106 Agreement

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office ©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329

Executive Summary of Proposals and Recommendation

Call In

The application is called in to Planning Committee by Councillor Wyatt on the basis that the scheme would have a greater impact on the local community than that as approved under the outline planning permission.

Proposal

This is a reserved matters application for the erection of 166 dwellings submitted pursuant to an outline planning permission for up to 180 dwellings and associated development originally permitted on appeal.

Consultations

Objections have been received from a number of third parties in respect of the proposals, but no objections have been received from statutory consultees.

Planning Policy

The application site is inside the Limits to Development in the adopted North West Leicestershire Local Plan.

Conclusion

The principle of residential development is already established and cannot be reconsidered by this application. The key issues are:

- Access matters not determined at the outline stage;
- Appearance;
- Landscaping;
- Layout; and
- Scale

The report looks at these in detail, and officers conclude that the details are satisfactory. The detailed scheme meets the requirements of relevant NWLDC policies, including the adopted Good Design for North West Leicestershire SPD.

RECOMMENDATION:-

PERMIT, SUBJECT TO CONDITIONS AND SUBJECT TO PLANNING OBLIGATIONS (OR SIMILAR)

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

In January 2016, outline planning permission was granted on appeal for up to 180 dwellings, including a retail unit, access and associated infrastructure (appeal ref. APP/G2435/W/15/3005052; Local Planning Authority ref. 14/00614/OUTM). In August 2017, a Section 73 application to "vary" a condition attached to the original outline planning permission relating to the approved illustrative development framework plan was granted (ref. 17/00423/VCUM).

This is a reserved matters application submitted in respect of that Section 73 outline planning permission, proposing the erection of 166 dwellings and associated works on the site. The outline planning permissions included details of the site's proposed vehicular access from Greenhill Road; the current reserved matters application relates to all of the previously reserved matters, including those access matters not covered at the outline stage (i.e. including pedestrian access and the vehicular routes *through* the site), together with appearance, landscaping, layout and scale.

This application was considered at the Planning Committee meeting of 9 January 2018 when it was resolved to defer consideration of the application to enable investigation of the suggestions set out in a third party representation reported on the Update Sheet.

The suggestions made can be summarised as follows:

- Proposed western public open space to be used solely for water management purposes and planted for ecological enhancement;
- Additional green space with meadow planting provided to Plot 57 in lieu of the proposed access road;
- Increased tree and shrub planting to the western site boundary and clarification of proposals to neighbouring residents;
- Slope stability testing and reduced gradient to the proposed central public open space;
- More substantial rear garden boundary treatment to proposed dwellings in the north eastern section of the site; and
- Retention of drystone walls

The applicant's responses to these suggestions (and, where applicable, assessment of the changes made) are set out in more detail within the relevant parts of the Assessment section below.

2. Publicity

32 neighbours have been notified.

Site Notice displayed 27 September 2017.

Press Notice published Leicester Mercury 4 October 2017.

3. Summary of Consultations and Representations Received

Leicestershire and Rutland Wildlife Trust objects on the basis that a 10m buffer strip to the site boundary has not been included

Leicestershire County Council Ecologist has no objections

Leicestershire County Council Highway Authority has no objections subject to conditions, and subject to the applicant entering into a legal agreement ensuring the internal roads' maintenance in perpetuity by a management company and indemnifying the Local Highway Authority against future petitioning to adopt the roads

Leicestershire Police has no objections

National Forest Company requests additional information in respect of the proposed on-plot landscaping, requests that consideration be given to placing Tree Preservation Orders on retained trees and suggests that the proposed children's play area be of "natural" play approach / design.

Third Party Representations

25 representations have been received, objecting on the following grounds:

- Insufficient detail
- Loss of view
- Overlooking / loss of privacy / impact of levels differences
- Flooding / drainage issues
- Surface water attenuation area not sufficient
- Surface water attenuation area unsafe (risk of drowning etc.) and should be fenced off
- Adverse impact on setting of Abbot's Oak
- Traffic noise
- Unsafe vehicular access
- Traffic congestion
- Insufficient car parking
- Loss of wildlife / biodiversity
- Proposed pedestrian link to Jacquemart Close inappropriate and unnecessary
- Disturbance / anti-social behaviour / criminal activity associated with proposed use of proposed drainage attenuation area as public open space
- More robust boundary treatment / more substantial buffer planting between existing properties and the development is required
- Public open space needs to be maintained
- Proposed buffer planting will reduce surveillance
- Proposed houses could be sub-let / used for multiple occupancy
- Future extensions could overlook neighbours
- Future tree planting by occupiers should be limited to prevent loss of views
- Loss of a greenfield site
- Insufficient infrastructure (including education and medical facilities)
- Loss of dog walking facilities
- Removal of proposed shop unit from scheme would be inappropriate as nearest alternative is not within walking distance
- Intrusion from vehicle headlights
- Increased risk of crime
- Increased dog walkers / mess

- Litter
- Plans unclear
- Contrary to NPPF, Local Plan and SPD policies
- Security risk to neighbouring property
- Danger to residents if they enter adjacent land used by horses
- An arboretum should be provided within the public open space adjacent to the western boundary of the site
- Lack of bungalows
- Too many one bed dwellings
- Development contrary to HEDNA mix
- Application should be deferred to secure changes to the scheme
- Proposed estate road adjacent to the public open space adjacent to the western boundary of the site should not connect through and have an additional planting area with footpath included
- Proposed landscaping adjacent to the western boundary should be planted with hedges / shrubs of minimum height 1.8m
- Fully engineered, technically tested, design for proposed slopes should be submitted
- Site gradients should be reduced
- Scheme does not comply with the development framework plan and Design and Access Statement
- Improved garden security required for proposed dwellings in the north eastern part of the site
- Drystone walls should be retained
- Design Code has not been the subject of public consultation
- A swale should be provided to central area of public open space
- Proposed road adjacent to Jacquemart Close should be removed
- Landscape buffer will take time to mature
- Police consultation response does not take site contours into account
- Proposed buffer planting trees too close to one another and will destabilise soil
- Scots pine not suitable for proposed buffer planting
- Urban Designer's objections were removed without explanation
- Number of storeys not clear

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The following sections of the National Planning Policy Framework (NPPF) are considered relevant to the determination of this application:

Paragraph 14 (Presumption in favour of sustainable development)

Paragraph 17 (Core planning principles)

Paragraph 50 (Delivering a wide choice of high quality homes)

Paragraph 57 (Requiring good design)

Paragraph 61 (Requiring good design)

Paragraph 203 (Planning conditions and obligations)

Adopted North West Leicestershire Local Plan (2017)

The application site lies within Limits to Development as defined in the adopted Local Plan. The following adopted Local Plan policies are considered relevant to the determination of this reserved matters application:

Policy D1 - Design of new development
Policy D2 - Amenity
Policy H6 - House types and mix
Policy IF3 - Open Space, Sport and Recreation Facilities
Policy IF4 - Transport infrastructure and new development
Policy IF7 - Parking provision and new development
Policy En4 - Charnwood Forest Regional Park

Other Policies

Good design for North West Leicestershire SPD

6Cs Design Guide (Leicestershire County Council)

5. Assessment

Principle of Development

The principle of development on this site for residential purposes was established by the grant of the original outline planning permission in January 2016 and, as a submission for reserved matters approval, therefore, the present application essentially seeks agreement of details in respect of the access (save in respect of the proposed vehicular access from Greenhill Road), appearance, landscaping, layout and scale. Assessment of this application should therefore relate to the implications of the particular scheme proposed under this reserved matters application; issues relating to the principle of the development and associated issues (e.g. the suitability of the site generally for residential development, and the impacts of the development on the wider highway network) are not relevant to this application.

Urban Form, Design and Site Layout

The need for good design in new residential development is outlined in the national and local policies as set out above. The application has been the subject of extensive discussions and amendment both prior to submission of the application and during its determination, with concerns having been raised in respect of a range of issues, including site layout and elevational appearance.

The scheme as amended is essentially landscape-led in terms of its design rationale; the revised layouts show tree-lined roads to the principal routes through the site, with greatest intensity of tree planting along the primary routes so as to assist in terms of legibility (i.e. by indicating what the main routes through the site are). It is considered that use of a landscape-led design approach would be an appropriate means of introducing character into the scheme (and particularly so in this National Forest location). Provision of strong frontage boundary treatment (including hedgerows to be maintained by the site's management company and rebuilt stone walls) would also, it is considered, serve to reinforce the development's character. One of the issues raised when the application was deferred at the 9 January 2018 Planning Committee meeting was the loss of existing drystone walls of which there are a number within and on the periphery of the site (and in varying states of repair). Whilst it is acknowledged that,

by virtue of the required alterations to levels necessary to develop this sloping site, the applicant advises that it is proposed to incorporate the walls as much as possible within the development. The applicant confirms that the existing walls around the perimeter of the development are proposed to be retained and protected during the build process, but the internal walls would need to be (carefully) dismantled, so as to avoid damage during construction. It is also proposed to rebuild peripheral sections to the north where these have fallen into disrepair. The applicant advises that it has contacted a local stonemason who considers that the site's internal walls can be re-instated with the *appearance* of being drystone (albeit constructed with a cement / concrete core to ensure the durability and stability of the wall). In view of the form of the layout proposed (and the alterations to levels as referred to above), it is noted that rebuilt walls within the site itself would not necessarily be in their original lines. However, it is nevertheless considered that these measures would serve to enhance the design quality of the scheme by reinforcing local character.

The outline planning permission was subject to a condition requiring the approval of a Design Code (essentially establishing a set of design "rules" with which subsequent reserved matters applications must comply); a Design Code was subsequently submitted and approved under that condition which, it was considered, met the design requirements of the District Council in terms of compliance with Building for Life 12 and the District Council's Good design for North West Leicestershire SPD. The District Council's Urban Designer notes that, as the proposed scheme complies with the Design Code (which itself was written to be consistent with Building for Life 12), subject to the attachment of conditions relating to details, materials, boundary treatments (including any retaining structures) and open space design, the design of the scheme would perform positively against Building for Life 12 and would be acceptable.

In terms of housing mix issues, Policy H6 of the adopted Local Plan requires a mix of housing types, size and tenure to meet the identified needs of the community. Whilst tenure is in effect addressed by the existing Section 106 obligations to secure 20% affordable housing, Policy H6 refers to the need to have regard to the most recent Housing and Economic Development Needs Assessment (HEDNA), and sets out the range of dwelling size (in terms of numbers of bedrooms) identified as appropriate in the HEDNA as follows:

| <i>Tenure</i> | <i>No. of Bedrooms (% of each tenure type)</i> | | | |
|---------------|--|----------|----------|-----------|
| | <i>1</i> | <i>2</i> | <i>3</i> | <i>4+</i> |
| Market | 0-10 | 30-40 | 45-55 | 10-20 |
| Affordable | 30-35 | 35-40 | 25-30 | 5-10 |

The submitted scheme proposes the following (%):

| <i>Tenure</i> | <i>No. of Bedrooms</i> | | | |
|---------------|------------------------|----------|----------|----------|
| | <i>1</i> | <i>2</i> | <i>3</i> | <i>4</i> |
| Market | - | 3 | 42 | 54 |
| Affordable | 42 | 39 | 18 | - |

On this basis, it is considered that, whilst the proposed affordable housing would appear to tally fairly well with the HEDNA's suggested mix, the market housing would be weighted more towards larger units than as suggested in the HEDNA (although it is acknowledged that Policy H6 indicates that the HEDNA mix is one of a number of criteria to be considered when applying the policy). Policy H6 also requires a proportion of dwellings suitable for occupation by the elderly (including bungalows) which are not provided in this instance. Overall in terms of

housing mix, therefore, the scheme as proposed would not appear to perform particularly well against the criteria in Policy H6. However, it is noted that recent Inspectors' decisions elsewhere in respect of housing mix have indicated that reserved matters applications cannot normally be used to secure a specific mix of house types (i.e. as housing mix is not, in itself, a reserved matter). It is also considered that, in this case, given that the approved outline scheme allows for up to 180 dwellings to be erected (and given that developers tend to work in terms of total floorspace rather than numbers of dwellings), any reconfiguration of the mix to include for a greater number of smaller dwellings would be likely to result in an increase in the overall number of units proposed.

Insofar as the proposed affordable housing mix is concerned, this is a matter over which greater control is available at this stage as the provisions of the Section 106 obligation require a scheme to be agreed (and including any relevant details submitted as part of any reserved matters application); whilst details such as when the affordable units would be delivered and the arrangements for the transfer to a Registered Provider would still need to be agreed separately under the provisions of the Section 106 obligation, the reserved matters includes the details of the location of the units and their design etc. The District Council's Affordable Housing Enabler had requested amendments to the proposed affordable housing mix, raising concern in particular over the provision of too many one bed units. However, the applicant is not willing to amend the scheme in this regard and, whilst the mix proposed does not fully reflect the identified needs in this part of the District, the Affordable Housing Enabler accepts (as noted above) that the proposed affordable mix is reasonably well matched to the more generalised HEDNA needs, and raises no objections.

Highway Safety and Access Issues

As set out above, the proposed means of vehicular access to the site was secured under the outline planning permission. The internal layout proposed includes a principal tree-lined estate road serving a number of smaller lanes and culs-de-sac. A number of concerns were raised by the County Highway Authority in respect of the originally submitted scheme, principally in respect of compliance with the County Council's standards for adoption.

Whilst the applicant subsequently amended the scheme in order to seek to overcome the County Highway Authority's concerns, the County Council advises that the amended plans still do not meet its requirements for adoption as set out in the 6Cs Design Guide (including in respect of geometry, carriageway width, service margins, junction and forward visibility, speed control, remote parking, turning space, carriageway drainage and landscaping).

However, the applicant has confirmed that it would be its intention to maintain the estate roads under a management company if the County Council did not wish to adopt the roads as currently proposed. On this basis, the County Highway Authority accepts that there would be no impact on highway safety, and raises no objections subject to conditions, and subject to the applicant entering into a legal agreement to ensure the internal roads' maintenance in perpetuity by a management company and to indemnify the County Council against future requests under Section 37 of the Highways Act 1980 to adopt the private roads; a draft agreement has been provided by the applicant to this effect. Whilst the County Highway Authority's concern over future petitioning would not, in itself, be a planning matter, it is nevertheless considered that some form of measures will be necessary to ensure that the roads were to function in a similar manner as adopted highway (including, for example, appropriate maintenance measures and the securing of unfettered public vehicular and pedestrian access along the roads). Similar issues are also considered to arise in terms of waste collection. Whilst, from the planning point of view, the submitted details appear to indicate that, physically, a waste collection vehicle could

access the site, collection from non-adopted roads can cause issues in terms of liability for damage etc., but this would also seem capable of being addressed by way of an agreement with the applicant relating to the operation of the management company; the District Council's Waste Services team confirms that this would be an acceptable approach from its point of view. In response to a suggestion made by the ward member, the applicant confirms that it would intend to make use of LED street lighting within the development.

In terms of the proposed pedestrian access to Jacquemart Close, the applicant confirms that it would intend to install staggered barriers or bollards (in accordance with the preference of the Local Planning Authority) in order to prevent unauthorised use (e.g. by motorcycles etc.).

Insofar as car parking is concerned, the proposed dwellings would meet the parking requirements set out in the District Council's Good design for North West Leicestershire SPD, including having a minimum of two off-street surface car parking spaces for two and three bed dwellings, and a minimum of three spaces in total in the case of four bed dwellings (i.e. including garage spaces meeting the minimum dimensions necessary to "qualify" as a parking space as set out in Leicestershire County Council's 6Cs Design Guide). One bed dwellings would be provided with a single space; this also has the potential to comply with the Good design for North West Leicestershire SPD's requirements in respect of single occupancy dwellings (the level of occupancy of which can be enforced in the case of dwellings to be managed by a Registered Provider).

The outline planning permission is subject to a condition (Condition 24) which requires that the first reserved matters application be accompanied by details to demonstrate that the proposed development would be suitable for bus services to be routed through it, and details of bus tracking showing a potential route into and back out of the site have been provided. Whether a bus service operator would wish to run a service through the estate (and whether, as per waste collection above, any issues over liability would arise) is a different matter, but the submitted details would appear to indicate that it would be physically possible.

Therefore, subject to the various requirements set out above being secured, the proposed development is considered acceptable in terms of highway safety and access issues.

Residential Amenity

Insofar as this reserved matters application is concerned, it is considered that the principal residential amenity issues would be in respect of the impacts on the future living conditions of residents of both the proposed development and existing nearby properties. In this regard, it is considered that the relationship between the various dwellings (including in terms of scale, siting and positioning of windows etc.) is of particular relevance.

In terms of the impacts on neighbouring occupiers, it is noted that there are existing properties adjacent to the western boundaries of the site, with proposed dwellings in the north western part of the site being closest to existing dwellings. Having regard to the existing topography of the site / area, and the need to provide vehicular access through the site, there would be a levels difference between proposed and existing dwellings (in terms of finished floor levels (FFLs)), with the proposed dwellings at a higher level than the existing ones to the west. However, when taking the extent of proposed separation between existing and proposed dwellings into account (approximately 9m at the closest point (a side-to-side relationship)), it is accepted that, even when having regard to the likely differences in FFLs between existing and proposed dwellings, an unduly adverse impact on neighbours' amenities by way of overdominance, oppressiveness or loss of light would be unlikely to result. Whilst there are side

doors / windows to existing properties to the west facing onto the site, by virtue of the respective levels, the absence of side windows on proposed dwellings nearest to the site boundary and the proposed buffer planting, undue mutual overlooking between existing and proposed dwellings would be considered unlikely.

Whilst adjacent properties towards the south eastern part of the site would not be in close proximity to proposed houses, they would be in the vicinity of public open space; concern has been raised regarding the potential impacts of the siting of this area (including in respect of noise / impacts on residential amenity and potential anti-social behaviour). In terms of the existing situation on site, adjacent properties' gardens are sited generally at a lower level than the application site, with the common boundary marked by a stone wall and, prior to the previous amendment of the scheme along this boundary, the applicant sought to engage with neighbours with a view to identifying a suitable boundary treatment following the development, given the need to protect existing residents' amenities whilst providing a suitable form of treatment (visually) from the proposed open space. To this end, and following the receipt of feedback from neighbours, the applicant proposed to retain the existing stone wall as the principal boundary treatment, but also provide a landscaped buffer of between approximately 3 to 5 metres in width on the application site side. Following the deferral of the application at the Planning Committee meeting of 9 January 2018, further amendments have been proposed (and communicated to adjacent neighbours). This updated scheme includes the addition of a 2.2m high green screen (in effect a pre-planted lattice structure with ivy climbing up it) between the existing boundary wall and the proposed buffer planting (which, in terms of density of planting, has been increased). Green screens have been successfully used within new housing developments elsewhere in the District as a means of providing screening between public realm and rear gardens where, for example, a brick wall would not be appropriate, and offer an effective visual barrier within a short space of time. When coupled with the effects of the proposed buffer planting, it is considered that the proposals would provide an acceptable degree of screening so as to ensure that adjacent residents' amenities would be protected whilst avoiding the potential adverse visual impact of, say, a 1.8 to 2 metre high close boarded fence sited on the application site side of the existing stone wall. The potential for noise or other disturbance generated by users of the open space cannot be discounted, but there is no reason to suggest that this open space would lead to unusually excessive disturbance. Further to the application's deferral at the Planning Committee meeting of 9 January 2018, the applicant has also investigated whether it would be possible to increase the width of the planting buffer, but advises that this would be unlikely to be possible as the resulting impacts on the open space would impact upon the effectiveness of its intended drainage function.

In response to concerns over the routeing of a proposed footpath adjacent to this area of public open space, the applicant has confirmed that it would be a mown path and would follow the eastern side of the area (and, therefore, not adjacent to the neighbouring properties to the west). Further assessment of other impacts of the proposed open space is set out in more detail under Trees, Landscaping, Children's Play and Public Open Space below.

One of the issues raised in the reasons for deferring the application at Planning Committee on 9 January 2018 was the potential for harm to nearby trees to the north east of the application site arising from any boundary treatment that may be provided to proposed rear gardens in this area. The applicant confirms that it would be content to provide a post and rail fence along the boundary with woodland to the east; no material harm to trees would be considered likely to arise from such a boundary treatment subject to appropriate siting of posts etc.

Trees, Landscaping, Children's Play and Public Open Space

The original outline application was accompanied by a full arboricultural survey, and all tree implications in respect of the proposed vehicular access from Greenhill Road were considered at that stage (i.e. as that element of access was included for consideration at the outline stage). Insofar as the remainder of the site is concerned, all trees identified as worthy of retention along the site boundaries are proposed to be retained as part of the development. In terms of the trees within the body of the site, these are fewer in number but, save for two category B trees, any other trees of merit would be retained. Subject to appropriate tree protection being provided to retained trees, therefore, the proposals are considered acceptable in terms of impacts on existing trees.

A significant proportion of the site is proposed to be provided as public open space, including National Forest planting to the Greenhill Road frontage, and to the southern, south eastern and western boundaries of the site, together with two further areas which would accommodate the children's play area and are intended to form part of the site's surface water drainage / SUDS facilities (and as referred to under Residential Amenity above). The detailed scheme for the children's play area itself, together with details of the future management and maintenance of areas of public open space would need to be agreed with the Local Planning Authority separately under the provisions of the Section 106 obligations in due course. Separate obligations in terms of off-site National Forest planting contributions also apply, with a financial contribution required to be made. In terms of the on-site National Forest planting, the National Forest Company is content that the proposals meet the requirement for 0.57ha (as set out within the Section 106 obligation). Concern has been raised by the Leicestershire and Rutland Wildlife Trust over the reduction in the width of the buffer planting to (in some places) less than 10m (albeit generally in accordance with the revised illustrative development framework plan approved under the Section 73 outline planning permission). Whilst the width of these National Forest planting strips is less than 10m in some locations, they are located adjacent to other existing vegetated areas thus meaning that the overall width of planting between new development and other non-planted areas would exceed 10m in any event. As such, it is not considered that this is an issue of particular significance, and a refusal on this matter would not be sustainable on appeal. For her part, the County Ecologist refers to concerns she raised at the time of the original outline application regarding the lack of a buffer adjacent to the properties in the north eastern part of the site, but this section is unchanged from the original scheme approved in principle on appeal, and no objections are raised by the County Ecologist to this application. Whilst a number of objections have been received on ecological grounds, it is noted that the original conditions imposed in order to protect ecological matters remain intact (including provision of further details in respect of mitigation, undertaking of further updated surveys, provision of a biodiversity management plan, and implementation of a construction management plan to prevent damage to the nearby Holly Rock Fields SSSI), and are unaffected by this reserved matters application.

The submitted scheme also includes an area proposed to remain undeveloped towards the north western boundary (where a drainage easement effectively precludes built development). The applicant now confirms that it would be agreeable to this area being planted (so far as possible given the limitations on planting within such easements) but with no public access and the area being maintained by the management company as an additional wildlife corridor.

It is noted that the areas of public open space include areas also intended to operate as SuDS measures (and including an attenuation area within the south western part of the site). Drainage design is in effect a matter covered under the outline planning permission (and the details of the site's SuDS are subject of a condition requiring a scheme to be approved prior to commencement of development). Whilst concerns have been raised over the suitability or

otherwise of this area to accommodate the amount of surface water necessary, this is not a matter for this reserved matters application, and it will be necessary for the applicant to demonstrate at the appropriate time (i.e. when submitting details under the conditions attached to the outline planning permission) that a suitable scheme of drainage is proposed. Insofar as this reserved matters application is concerned, therefore, the key issue is whether or not the provision of open space (albeit also forming part of the SuDS scheme) in this area of the site is appropriate, and whether it represents a suitable contribution to the scheme's open space and landscaping. In terms of its usability as open space, the central part of the majority of the attenuation area is shown as a relatively shallow gradient grassed area and would normally be a dry, flat space available for public use (but with a steeper basin shown to the south in an area likely to be "generally damp" and designed to flood occasionally).

Further to the deferral of the application at the Planning Committee on 9 January 2018, the applicant has advised that there would be scope for some additional planting within the SuDS area (albeit limited given the need to operate effectively as part of the drainage strategy, even though this part of the SuDS would not be permanently wet) and has submitted additional illustrative details showing the likely nature of such planting (including species etc.). As set out above, however, the detailed planting to be provided to public open space would be dealt with under the relevant submissions required under the Section 106 obligations.

In terms of the children's play area (located within the central public open space), it is noted that this would be located within a more steeply sloping section of the site. As such, the National Forest Company recommends that the play area scheme be based on a "natural play" approach, taking advantage of the contours to provide grassed banks for climbing / rolling down, tunnels and other changes in level to allow play within the landscape, using timber equipment set amongst imaginative areas of tree planting. Whilst (as set out above), the detailed scheme would need to be agreed separately under the Section 106 obligation, it is considered that the National Forest Company's recommendations would be appropriate in this instance. Nevertheless, further to the deferral of the application at the Planning Committee meeting of 9 January 2018, the applicant has provided additional illustrative material demonstrating the likely gradients of the proposed central public open space and the type of play equipment that would be expected to be provided; this includes various pieces of equipment which are designed for use on sloping ground. The National Forest Company confirms that the additional material submitted accords with the type of play area it is recommending in this instance.

Insofar as concerns over anti-social or criminal activity (see Residential Amenity above) is concerned, whilst it is acknowledged that any public space has the potential to be misused, it is not considered that there is any feature in particular regarding this development that would indicate that the proposed areas of open space on the site would be more likely to be misused than any other such area. The two principal open spaces would (in accordance with advice in the District Council's Good design for North West Leicestershire SPD) be overlooked by a significant number of dwellings within the scheme, thus reducing the likelihood of misuse. Leicestershire Police has been consulted in respect of the application and raises no objections, with its comments on the proposals primarily being limited to Secured by Design advice.

Conclusions

As set out above, the principle of the development has already been established by way of the outline planning permission, and assessment of this application is therefore limited to the reserved matters.

In terms of those reserved matters issues, it is considered that, subject to the imposition of

appropriate conditions to secure the design quality of the scheme and to ensure the protection of neighbours' amenities, the scheme is acceptable, and it is therefore recommended that reserved matters approval be granted.

In view of the issues raised above relating to the retention of the proposed roads within private ownership, it is considered that some form of undertaking may be required to secure this. It is recommended that, in conjunction with the District Council's Legal Services team, officers be delegated to determine whether this would take the form of a Section 106 agreement, or whether any alternative mechanism would be more appropriate in view of the associated non-planning issues that also arise (and as referred to above).

RECOMMENDATION- PERMIT, subject to Section 106 Obligations (or any alternative form of legal agreement as advised as appropriate by the District Council's Head of Legal and Support Services), and subject to the following condition(s):

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping (including future maintenance and management)
- 4 Details of hard surfacing
- 5 Materials
- 6 Boundary treatment (including means of construction of any stone walls)
- 7 Tree Protection
- 8 Levels
- 9 Pedestrian connection to Jacquemart Close
- 10 Car parking
- 11 External lighting
- 12 Windows, doors, rainwater goods, utility boxes, eaves and verges
- 13 Bin / recycling storage and collection points
- 14 Street name plates
- 15 Retaining walls / structures
- 16 Substations / pumping stations etc.
- 17 Treatment of drainage easement
- 18 Highways (including management, public access and maintenance regime specification if required)

- 19 Affordable housing specification clarification
- 20 Confirmation of house types