

Erection of 213 dwellings with associated parking and landscaping (Reserved matters to outline planning permission 16/01187/VCIM)

Report Item No
A2

Land At Grange Road Hugglescote Leicestershire

Application Reference
17/00320/REMM

Applicant:
Mr Iain Pickering

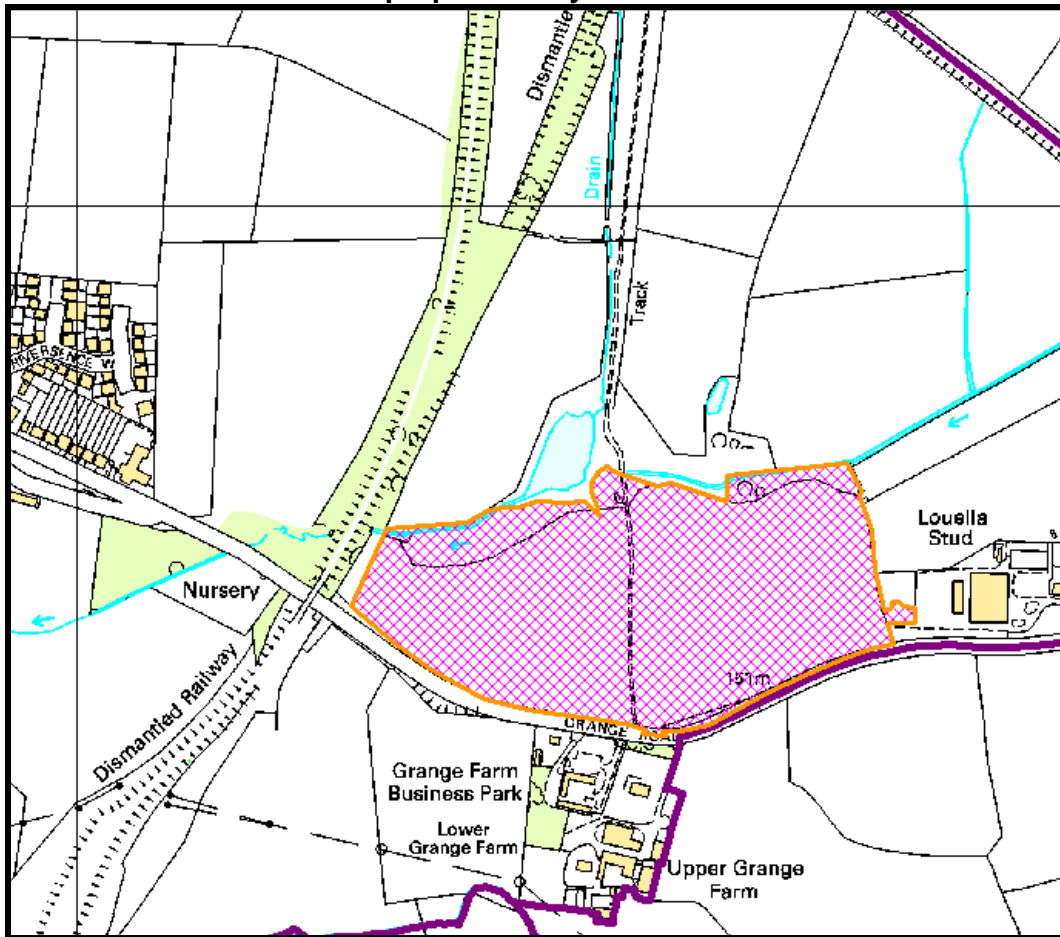
Date Registered:
11 April 2017
Consultation Expiry:
1 February 2018
8 Week Date:
11 July 2017

Case Officer:
James Knightley

Extension of Time:
29 December 2017

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is called in to Planning Committee by Councillor Johnson on the basis of the variation of the proposed access and highway safety.

Proposal

This is a reserved matters application for the erection of 213 dwellings submitted on the first residential phase of a site with outline planning permission for up to 800 dwellings and associated development.

Consultations

Objections have been received from Hugglescote and Donington le Heath Parish Council, but no objections have been received from other statutory consultees.

Planning Policy

The application site is inside the Limits to Development in the adopted North West Leicestershire Local Plan, and is also identified as a site with planning permission for housing.

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

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 July 2012, outline planning permission 12/00376/OUTM was granted on this site for up to 800 dwellings. In August 2013 and January 2018, Section 73 applications to "vary" conditions attached to the outline planning permissions were granted (refs. 13/00415/VCUM and 16/01187/VCIM respectively).

In February 2016, a reserved matters scheme in respect of the site's construction access was approved (ref. 16/00039/REMM); the development was commenced shortly afterwards in accordance with this reserved matters approval, thus implementing the planning permission. An earlier reserved matters application for 205 dwellings on this section of the wider site was approved in February 2014, but not implemented (ref. 13/00732/REMM).

This is a reserved matters application which, following amendment, is submitted in respect of the most recent Section 73 outline planning permission, proposing the erection of 213 dwellings and associated works on the south western portion of the wider site. The outline planning permissions included details of the site's proposed vehicular accesses from Grange Road; the current reserved matters application relates to all of the previously reserved matters for the affected part of the site as a whole, in effect 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 for this parcel.

2. Publicity

11 neighbours have been notified.

Site Notice displayed 11 January 2018.

Press Notice published Leicester Mercury 17 January 2018.

Press Notice published Leicester Mercury 26 April 2017.

3. Summary of Consultations and Representations Received

Hugglescote and Donington le Heath Parish Council objects on the following grounds:

- Poor layout / design
- Insufficient affordable housing compared to the requirements of the Local Plan
- No children's play area proposed
- Conflict with NPPF
- No bungalows proposed
- Unsafe vehicular access onto Grange Road
- Unsustainable location due to poor pedestrian facilities
- Cycle routes should be provided

Leicestershire County Council Highway Authority has no objections subject to conditions

Leicestershire County Council Rights of Way has no objections subject to conditions

Leicestershire Footpath Association objects on the basis that the scheme does not show diverted routes for Footpaths N58 and N59

National Forest Company requests additional information in respect of the proposed tree species

North West Leicestershire District Council Cultural Services Team advises that an application to divert Footpaths N58 and N59 will be required

Third Party Representations

Representations from one third party have been received, objecting on the following grounds:

- Reserved matters scheme different to the original outline scheme
- Scheme too dense
- Insufficient green space
- Proposed gardens too small
- Removal of the "punch through" renders the scheme unsustainable and increasing reliance on the private car
- No safe pedestrian access to Hugglescote / services
- No public transport
- Insufficient affordable housing
- Lack of public open space
- Contrary to NPPF
- Not sustainable
- Does not meet rules on quality housing and high quality living accommodation

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)

Paragraphs 57 and 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 and is also identified as a site with planning permission for housing under Policy H1. 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 IF4 - Transport infrastructure and new development

Policy IF7 - Parking provision and new development

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 outline planning permission 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 accesses from Grange 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.

Other Matters Relating to the Outline Planning Permission

In addition to a range of conditions requiring submission and approval of details in respect of various matters prior to trigger points such as commencement / occupation etc., the outline planning permission also requires certain matters to be included as part of the reserved matters application(s), and the appropriateness of these submissions as part of the reserved matters application therefore needs to be considered in the context of the proposed scheme. These conditions include requirements in respect of provision of a site-wide masterplan and biodiversity enhancement.

Insofar as the required masterplan is concerned, under the terms of the outline planning permission, each reserved matters application is required to include a masterplan for the site as a whole, (and including details such as layout, public open space, housing mix and phasing). The application is accordingly supported by this information, with the latest suite of masterplan drawings showing the development of this parcel of the wider site in the context of other development within the site as a whole, including the siting of the proposed commercial uses and primary school towards the south east of the site and the largest area of public open space immediately to the north of the parcel the subject of the current reserved matters application. The general disposition of uses within the wider site is considered appropriate and, when having regard to the additional conclusions set out below in respect of public open space, the submitted supporting documents are considered acceptable in this regard.

Insofar as phasing is concerned, in broad terms the submitted details indicate the following sequence of development (and with each phase including areas of associated landscaping / public open space both within and on the periphery of those phases):

Phase No:

- 1 Construction / emergency access from Grange Road (and upon which work commenced in 2016 as set out in the introduction above)
- 1A Erection of dwellings in the south western part of the site (i.e. the area the subject of this reserved matters application)
- 1B Construction of the principal route through the site (through to the edge of the outline planning permission site)

- 2 Erection of dwellings in the south eastern part of the site
- 3 Erection of dwellings in the north eastern part of the site
- 4 Erection of dwellings in the central part of the site (and with the principal area of public open space forming part of this phase)
- 5 Erection of dwellings in the north western part of the site

Insofar as the proposed local centre and primary school are concerned, these are indicated as being delivered prior to occupation of the 400th dwelling (albeit the school delivery is controlled separately in any event under the provisions of the Section 106 obligation).

The phasing proposed would be considered to represent a logical sequence for the satisfactory development of the site.

Urban Form, Design and Site Layout

The scheme has been amended a number of times during its consideration and, as now proposed, would provide for a mix of two, three, four and five bed market and affordable dwellings.

The detailed scheme has been designed as a landscape-led development, and the outline planning permission is subject to a condition requiring the submission and approval of a Design Code. The draft code proposes a set of street types which can then be applied to the development as a whole. Insofar as this section of the wider site is concerned, the highest order road included would take the form of an avenue lined with trees set within a verge to one side. The applicant's intention of using landscape as a means of introducing and reinforcing character (and, in effect, ensuring that there is something which makes the scheme distinctive or memorable) would be in accordance with the approach proposed elsewhere in South East Coalville and is considered appropriate.

When assessed against the District Council's Good design for North West Leicestershire SPD, the scheme is considered to perform relatively well. Whilst, for some criteria within the SPD would not be met in full (including, for example, exceeding 50% of frontage with car parking in certain locations within the site), the scheme, overall, is considered to comply fairly well with the adopted policy and would represent a good form of development.

This part of the site is undulating and, therefore, the development would need to incorporate measures to address these levels changes. Whilst full details of proposed ground and finished floor levels have not been submitted with the application (and could be addressed by way of a suitably worded condition), the submitted material indicates that a series of retaining structures would be used. Whilst these details would need to be conditioned, the submitted plans indicate that these would, for the most part, be accommodated within development perimeter blocks and, as such, any impacts on the public realm would seem likely to be limited.

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 7.5% 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>	<i>5</i>
Market	-	4	41	49	7
Affordable	-	50	50	-	-

On the basis of the above, it is noted that the proposed market housing would be weighted more heavily 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); further to the adoption of the new Local Plan policy the scheme has been amended so as to include two bungalows. Overall in terms of the market housing mix, therefore, the scheme as proposed would not appear to perform particularly well against the criteria in Policy H6. Whilst 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 noted that, in this instance, housing mix is, in effect, able to be considered at this stage in that the condition attached to the outline planning permission relating to the site-wide masterplan allows for this.

In this case, the applicant advises that, were a higher proportion of smaller units included within this phase of the development, the scheme would be unviable; a viability assessment has been submitted in order to demonstrate this, and its findings have been verified by independent consultants on behalf of the Local Planning Authority. An added factor in this case is that, whilst the outline planning permission allows for up to 800 units, the applicant is not sure at this stage how many units it intends to apply for within later phases; whilst, on the basis of the assumptions used in the viability assessment whereby around 650 units would be erected (and whilst the conclusions on the viability of this scenario are agreed by the District Council's consultants), the Council's consultants take the view that, were the total number of dwellings to increase towards the maximum 800, a greater proportion of smaller units could be accommodated from a viability point of view. Having regard to the provisions of the outline planning permission, it is possible to consider the viability of any reserved matters scheme submitted on the site that did not provide for a mix (whether on that phase or the site as a whole) which sat comfortably with Policy H6. Therefore, whilst the provision of an H6-compliant mix cannot be secured for this phase due to viability constraints, the Local Planning Authority has some comfort that, should later phases provide sufficient numbers of dwellings to support a higher proportion of smaller units, it may still be possible at that stage to seek to off-set some of the shortfall within this first residential phase.

Insofar as the proposed affordable housing mix is concerned, whilst the proposed units are all two or three bed dwellings, it is considered that, in principle the deviation from the mix suggested in the HEDNA is not unacceptable. Furthermore, the mix proposed in this instance (comprising 8 no. 2 bed dwellings and 8 no. 3 bed dwellings) is in accordance with a request to amend the originally submitted mix from the District Council's Affordable Housing Enabler. As

such, the proposed affordable housing mix is considered acceptable, and the Council's Affordable Housing Enabler raises no objections to the application.

Trees, Landscaping and Public Open Space

As set out above, reserved matters applications submitted pursuant to the outline planning permission for the development of this site are required to include a masterplan for the site as a whole, (and including details of public open space and phasing); this reserved matters application is therefore accompanied by such detail. The principal areas of public open space indicated on the submitted masterplan include a central area of public open space (identified as "Hugglescote Park") and which would, in effect, divide the site up into three distinct residential areas. The masterplan also indicates open space sections *through / within* the residential parcels (and including through the section the subject of this reserved matters application which would provide a green link between the western site entrance from Grange Road and the central principal open space. Additional sports facilities would also be provided towards the north eastern part of the wider site and within the proposed primary school complex.

Whilst the actual timing of the provision of the open space (together with its detailed design) is controlled separately under the provisions of the Section 106 obligation, as referred to under the preceding paragraphs relating to phasing, the submitted scheme indicates that the principal open space would be provided during Phase 4. If this phasing were to be agreed as part of the approval of details under the Section 106 obligation, it would seem likely (depending on how quickly the development progressed) that there would be a period of time between when the first housing within the phase the subject of this reserved matters application was occupied, and when the more substantial areas of public open space were delivered, with associated green space being limited to the smaller areas of open space contained within the residential parcel. Whilst this would not be an ideal situation, it is not uncommon for new developments to deliver associated public open space towards the end of the build period so, in that sense, a lag between first occupation and delivery of the substantial areas of public open space would be similar to the position that would often apply on major housing schemes. In this instance, however, the development is part of an overall scheme of up to 800 dwellings and, whilst the submitted phasing scheme would ensure that the open space were not delayed until the end of the build programme, a lag of some years could potentially occur (depending on build-out rates). Nevertheless, it is accepted that, whilst some lag would seem likely, this would be expected to be a temporary situation and, in the longer term, the comprehensive scheme for the site as a whole would deliver a significant contribution towards green infrastructure.

The original outline application was accompanied by a full arboricultural survey. Insofar as the trees affected by the development of this phase of the wider site are concerned, all trees identified as desirable to be retained within the arboricultural survey are proposed to remain as part of the development. On the basis of the submitted scheme, one tree would be lost to the development. However, this ash is identified as being within retention category C (i.e. low quality and value) and, therefore, the proposals are considered acceptable in terms of impacts on existing trees. In order to be able to provide a proposed enhanced footway to Grange Road (and as referred to under Highway Safety and Access Issues below), existing vegetation (including sections of hedgerow) adjacent to Grange Road would be likely to be needed to be reduced, removed or replaced. However, it is noted that this was, to a significant degree, previously anticipated within the ecological submissions approved pursuant to the outline planning permission and, from a visual impact point of view, would not be considered to be inappropriate, particularly when considered in the context of proposed new frontage planting designed to complement the frontage development to Grange Road.

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 for this phase proposes a principal tree-lined estate road serving a number of smaller lanes and culs-de-sac and in accordance with the draft Design Code for the site as a whole.

Insofar as the layout itself is concerned, the County Highway Authority has no objections and confirms that there are no fundamental points that would make the development unsuitable for adoption at this stage that could not be addressed during the Section 38 technical approval process. A number of minor technical issues are flagged up by the County Council as likely to need amendment in order to secure adoption (including, for example, precise positioning of some raised tables etc), but any resulting amendments required to the planning layout could, it is considered, be appropriately dealt with by way of condition.

In terms of public transportation, Leicestershire County Council advises that the layout proposed in respect of this phase of the wider site is considered to be acceptable in principle for adoption on the basis that no bus access will be required through this parcel. This, the County Council notes, is consistent with the approach taken at the outline stage with the scheme proposing that the bus route through the development would be along the primary route (i.e. the north-south link connecting Grange Road with Bardon Road). This route (and which would be the highest order street type set out within the draft Design Code) would also be proposed to accommodate a joint footway / cycleway to one side but, as set out above, would not affect this particular parcel of the wider site.

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).

In terms of other highway issues, whilst the development the subject of this phase shows access via the western Grange Road access, the submitted scheme indicates a second point of access (given that it is in excess of 150 dwellings), in effect allowing a second (emergency) point of access either via the eastern Grange Road access or the approved construction access if required.

As referred to above, a footway (of width 2m) is proposed to be provided along Grange Road in lieu of the existing narrower footway on Grange Road. The existing facility is not surfaced in a hardbound material, and the County Highway Authority advises that the full extent of the proposed new footway should be hard surfaced.

This part of the wider site is crossed by two public rights of way (footpaths N58 and N59). Footpath N58 crosses the site from Grange Road (close to the location of the proposed vehicular access) towards the north eastern corner; footpath N59 enters the site from Grange Road at the western end, crossing the site and converging with N58 in the north eastern corner. Both footpaths would need to be diverted to accommodate the development. Users of N58 would be able to re-route via the proposed street layout or via the green link referred to under Trees, Landscaping and Public Open Space above; N59 would be diverted via a new surfaced path following the northern edge of the residential development within this parcel (i.e. within the southern part of the central area of public open space).

Insofar as the amenity impacts of the proposed development on the rights of way are concerned (i.e. the impacts on the amenity value of the rights of way as leisure / recreational routes), it is considered that some adverse impacts on the value of N58 in particular would result given that it would no longer pass through a section of undeveloped countryside. By contrast, however, it is considered that the proposed revised route for N59 would allow for pedestrian connections to the proposed central open space (and thus retaining its amenity value by connecting users to green space) and, given its enhanced surfacing, would be likely to represent a significant improvement for users overall. When considered against these benefits, it is considered that, notwithstanding the effects on N58, the overall impacts on public rights of way would be acceptable. Leicestershire County Council's Rights of Way team considers that the proposals would not affect the public's use and enjoyment of the rights of way, and has no objection subject to the imposition of conditions securing the realigned link's detailed scheme.

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 (insofar as they relate to matters relevant at this reserved matters stage).

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 the proposed development; there are considered to be no existing residential properties materially affected by the development of this parcel. In terms of the relationships between new dwellings, whilst the relative finished floor levels of individual dwellings would have some implications in terms of increasing / reducing mutual impacts, it is considered that the relationship between the various dwellings (including in terms of scale, siting and positioning of windows etc.) is generally appropriate, with the minimum separation distances suggested in the Good design for North West Leicestershire SPD (12m for rear to flank relationships and 20m for back to back) being met.

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 as summarised below, the scheme is acceptable, and it is therefore recommended that reserved matters approval be granted.

RECOMMENDATION- PERMIT, subject to the following condition(s):

- 1 Compliance with outline planning permission
- 2 Approved plans (including reference to submitted masterplan and phasing if applicable)
- 3 Landscaping (including future maintenance and management)
- 4 Details of hard surfacing

- 5 Materials
- 6 Boundary treatment
- 7 Tree protection
- 8 Levels
- 9 Rights of Way
- 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 Highways (including provision of footway to Grange Road frontage)
- 18 Biodiversity enhancement
- 19 Details of bespoke / combined house types (e.g. where two standard house types are proposed to be attached to one other)