

Erection of 71 dwellings, internal access roads, landscaping,
open space and woodland planting (Reserved Matters to
Outline Planning Permission Reference
APP/G2435/W/15/3137258

Report Item No
A1

Land At Butt Lane Blackfordby Derby

Application Reference
17/01556/REMM

Applicant:
Mr Paul Waterfield

Date Registered:
6 November 2017
Consultation Expiry:

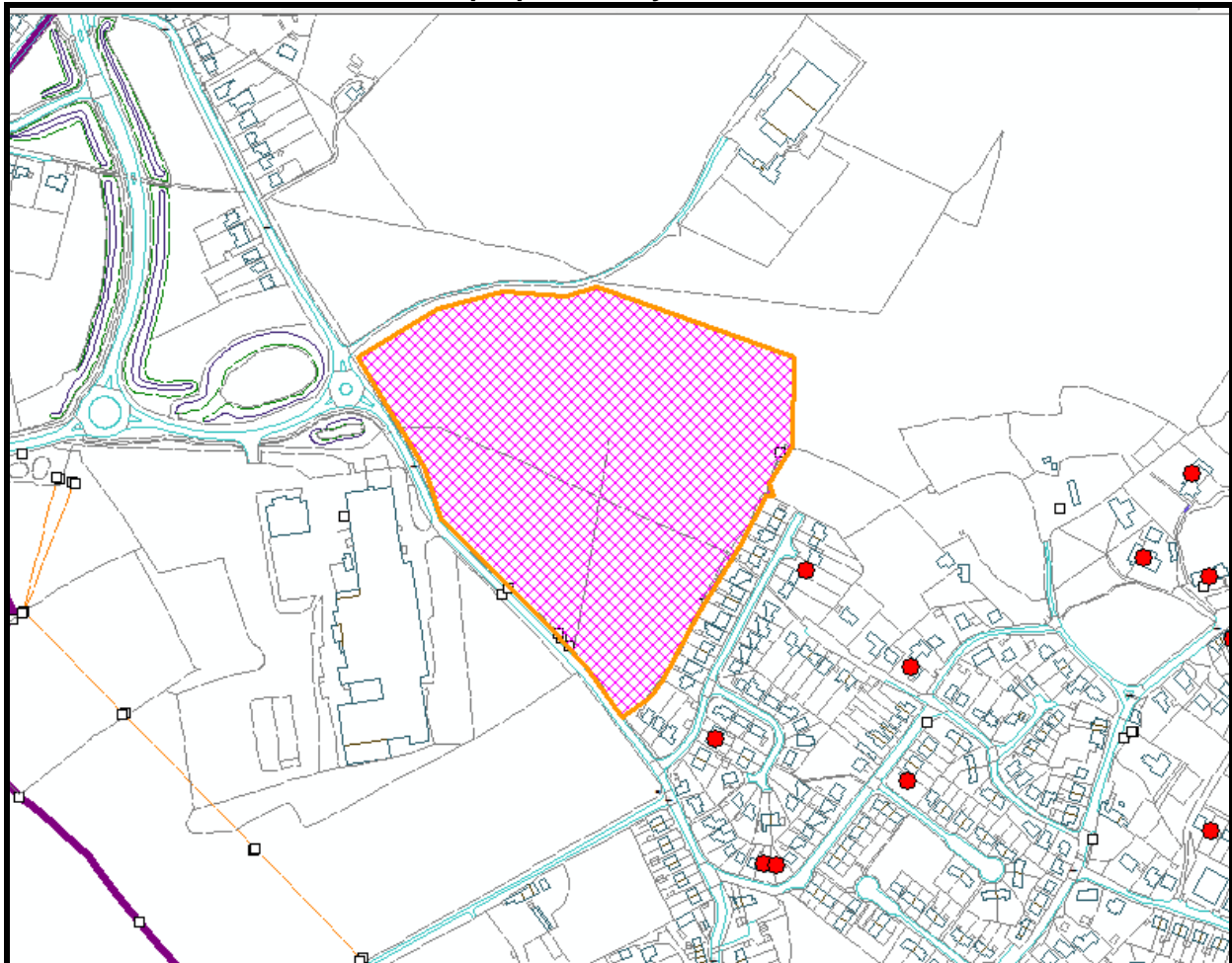
Case Officer:
Adam Mellor

6 December 2017
8 Week Date:
5 February 2018

Recommendation:
PERMIT

Extension of Time:
None Agreed

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Reasons for Approval

Reason for Call In

The application is called in to Planning Committee by Councillor McKendrick on the basis of highway safety and surface water flooding implications and as a matter of public concern.

Proposal

This is a reserved matters application for the erection of 71 dwellings submitted on the first residential phase of a site with outline planning permission for up to 81 dwellings and associated development originally allowed on appeal.

Consultations

Objections have been received from third parties and Ashby De La Zouch Town Council, but no objections have been received from other statutory consultees.

Planning Policy

The application site is outside 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 below looks at these details, and Officers conclude that the details are satisfactory. The detailed scheme meets the requirements of relevant NWLDC policies, including the 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, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

This is a reserved matters application relating to the redevelopment of the site for 71 dwellings, internal access roads, landscaping, open space and woodland planting at land at Butt Lane, Blackfordby. An application for outline planning permission with access (ref: 15/00083/OUTM) was refused on the 3rd July 2015 but subsequently allowed at appeal on the 7th December 2016 (appeal ref: APP/G2435/W/15/3137258), subject to a Section 106 agreement which secured contributions towards affordable housing, play and open space, the River Mease SAC, the provision of National Forest planting, a library contribution, travel pack contribution, bus pass contribution, bus stop improvements scheme, bus stop works contribution, construction traffic scheme, travel plan, travel plan monitoring fee and education contributions. As a result matters of appearance, scale, landscaping, layout including internal access arrangements are now submitted for consideration.

The application site is located to the north-west of properties on Fenton Avenue, south-west of Blackfordby House and north-east of Wavin Limited.

Following comments received from the Council's Urban Designer the scheme has been amended and revised plans submitted.

It is proposed that the properties would be both two-storey (some with habitable accommodation in the roof slope) and single storey in height with the following open market housing mix being provided:

- 2 x 2 bedroom dwellings (semi-detached);
- 22 x 3 bedroom dwellings (detached and semi-detached);
- 35 x 4 bedroom dwellings (detached);
- 6 x 5 bedroom dwellings (detached);

Along with the following affordable housing mix:

- 4 x 2 bed single storey dwellings;
- 2 x 2 bed two-storey dwellings;

Access into the site would be provided off Butt Lane, as secured under the outline application, with estate roads being provided to serve the relevant plots and their associated off-street parking. Existing landscaping is to be retained to the south-eastern and south-western boundaries with additional soft landscaping being proposed to gardens, public open space areas as well as an area of National Forest planting in the northern area of the site. Hard landscaping would form pedestrian footways, parking areas, patio areas, pathways around dwellings and the highways. It is also proposed that public footpath P11 would be diverted across the site.

Relevant Planning History:

A previous outline application for a residential development (up to 81 dwellings), associated open space (incorporating community infrastructure), drainage infrastructure (outline - access included) was refused on the 3rd December 2014 under application reference 14/00460/OUTM.

2. Publicity

146 Neighbours have been notified.
Site Notice displayed 10 November 2017.
Press Notice published Burton Mail 15 November 2017

3. Summary of Consultations and Representations Received

The following summary of representations is provided. Members may inspect full copies of correspondence received on the planning file.

Ashby De La Zouch Town Council objects to the application on the following summarised grounds:

- Conditions imposed on the outline permission have not been met in terms of the information submitted as part of this application (i.e. no surface water drainage strategy, no contamination report).
- The affordable housing contribution does not accord with the adopted Local Plan.
- The proposed housing mix does not comply with the adopted Local Plan.
- There are strong neighbour concerns about the development.

Coal Authority has no objections.

Leicestershire County Council - Ecology has no objections subject to conditions.

Leicestershire County Council - Footpaths Officer has no objections subject to conditions.

Leicestershire County Council - Highways Authority have no objections subject to conditions.

Leicestershire County Council - Lead Local Flood Authority has no objections subject to conditions.

National Forest Company has no objections subject to conditions.

Natural England has no objections subject to conditions.

NWLDC - Environmental Protection has no objections.

NWLDC - Affordable Housing Enabler has no objections.

NWLDC - Waste Management has no objections subject to conditions.

Severn Trent Water no representation received at the time of this report. Any comments will be reported to Members on the update sheet.

Third Party Representations

21 representations from third parties have been received objecting to the application with the concerns raised being summarised as follows:

- The affordable housing allocation does not accord with adopted Local Plan.
- The proposed housing mix does not accord with the adopted Local Plan.
- The conditions of the outline permission granted by the Inspector at appeal have not been met by the information submitted in support of the application.
- Work to install services on the site has already commenced.
- The details of the play equipment to be installed has not been provided.
- Where will Section 106 money be directed to?
- The development should be screened from Fenton Avenue.
- Vehicles travel at excess speeds on Butt Lane and a scheme of traffic calming is required.
- Vehicles parking within the highway causes highway safety issues.
- Surface water drainage will exacerbate localised flooding impacts with no improvements to the infrastructure.
- The settlement of Blackfordby is merging with Woodville given the permissions which have been granted.
- It is the intentions of the developer to provide more than 81 dwellings on the site with some plans suggesting a total of 104.
- The public right of way has been rerouted without consent.
- Money from the Section 106 contributions should be directed to Blackfordby school, pre-school and play group and not schools in Moira and contributions should be sought for a new community centre.
- The highway network in Blackfordby cannot cope with the additional demands of this residential development.
- The provision of two-storey houses adjacent to the boundaries with properties on Fenton Avenue will result in detriment to residential amenities given the increased height and orientation of the dwellings.
- Construction vehicles should not park within the highway.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The following sections of the NPPF are considered relevant to the determination of this application:

- Paragraph 10 (Achieving sustainable development);
- Paragraph 14 (Presumption in favour of sustainable development);
- Paragraph 17 (Core planning principles);
- Paragraphs 32, 34 and 39 (Promoting sustainable transport);
- Paragraphs 47, 49, 50, 54 and 55 (Delivering a wide choice of high quality homes);
- Paragraphs 57, 59, 60, 61 and 64 (Requiring good design);
- Paragraph 75 (Promoting healthy communities);
- Paragraph 100, 101 and 103 (Meeting the challenge of climate change, flooding and coastal change);
- Paragraphs 118, 119, 120, 121 and 123 (Conserving and enhancing the natural environment);
- Paragraphs 129, 131 and 134 (Conserving and enhancing the historic environment);
- Paragraph 143 (Facilitating the sustainable use of minerals); and

Paragraphs 203 and 206 (Planning conditions and obligations).

Adopted North West Leicestershire Local Plan (2017)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 - Future Housing and Economic Development Needs;
Policy S2 - Settlement Hierarchy;
Policy S3 - Countryside;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En2 - River Mease Special Area of Conservation;
Policy En3 - The National Forest;
Policy En6 - Land and Air Quality;
Policy Cc2 - Water - Flood Risk; and
Policy Cc3 - Water - Sustainable Drainage Systems.

Other Policies

National Planning Practice Guidance.

Good Design for North West Leicestershire Supplementary Planning Document - April 2017.

6Cs Design Guide (Leicestershire County Council).

The Conservation of Habitats and Species Regulations 2010 (the 'Habitats Regulations').

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

River Mease Water Quality Management Plan - August 2011.

The River Mease Developer Contributions Scheme (DCS).

5. Assessment

Principle of Development

The principle of development on the site for residential purposes was established by the grant of the outline planning permission, under appeal reference APP/G2435/W/15/3137258, on the 7th December 2016. Under the outline planning permission the access into the site off Butt Lane was established and therefore the reserved matters application seeks to provide a greater level of detail in relation to appearance, scale, layout, landscaping and the internal access roads. Assessment of this application should therefore relate to whether those matters reserved for subsequent approval accord with relevant policies of the adopted Local Plan and NPPF. Issues relating to the principle of the development and associated issues (e.g. the suitability of the site generally for residential development, flooding and the impacts of the development on the wider highway network) are not relevant to this application.

Appearance, Layout and Scale

The need for good design in new residential development is outlined not only in adopted Local Plan Policy D1, as well as the Council's Adopted Good Design for NWLDC SPD, but also Paragraphs 57, 60 and 61 of the NPPF.

In assessing the initial proposals the Council's Urban Designer concluded that the scheme scored well against Building for Life 12 (BfL 12), with no red indicators being raised, and the only areas of concerns relating to the provision of car parking to the frontage of plots 58 - 61 not acting as a barrier in preventing residents from these plots accessing the areas of open space as well as clear demarcations being established between the public and private realms particularly in respect of those areas around the open spaces.

Amendments to the plans have been made to address the concerns raised with the introduction of landscaping and a formal footpath link being provided to the frontage of plots 58 - 61, so as to enable residents an easier access to the informal footpath links through the southern part of the scheme, and timber posts being introduced to the edges of the private drives which lie adjacent to the areas of open space so as to act as a clear definition between the private and public realms whilst not preventing residents of properties on the private drive from easily accessing the areas of open space.

The overall scheme, as submitted, is essentially landscape-led in terms of its design rationale with a strong landscape presence to the northern and southern edges of the site and trees lining the principal routes with a great intensity of tree planting, as well as the retention of an existing 'feature' tree, along the primary road so as to assist in terms of legibility (i.e. by indicating what the main route through the site would be). Given the setting of the development within The National Forest it is considered that an approach to design led by landscaping would be an appropriate means of introducing character into the scheme. The provision of strong frontage boundary treatments on the principal routes, including hedgerows and post and rail fencing, would also serve to reinforce the development's character.

With regards to the appearance and scale of the dwellings themselves it is considered that they would be traditional in appearance and would include design features which the Local Authority would consider desirable when seeking to establish such a design approach (i.e. cills and lintels, chimneys, timber canopies and porches and brick detailing). The position and orientation of the dwellings would also ensure that they address the streetscape and private rear amenity areas would also be of a size which would be commensurate with the footprint of the properties. The Council's Urban Designer has no objections to the design of the dwellings subject to specific conditions which would agree the precise details of the eaves, verges, porches and door surrounds. Whilst acknowledging that the application site lies adjacent to single storey properties the introduction of two-storey dwellings, including those with habitable accommodation in the roof slope, would not be at odds with the overall character and scale of development in Blackfordby as to justify a refusal of the application in this respect.

Subject to a satisfactory resolution on such matters at the discharge of condition stage it is considered that, overall, the proposed development would be a positive addition to the settlement and would integrate into the environment in which it is set. In terms of the external materials a specification schedule has been provided which specifies the bricks, render and roof tiles to be utilised and which is considered to be acceptable. A condition would therefore be imposed requiring these materials to be utilised unless alternative materials are subsequently agreed.

Overall the layout, appearance and scale of the development would be acceptable and would ensure compliance with Policy D1 of the adopted Local Plan, the Council's Adopted Design SPD and Paragraphs 57, 59, 60 and 61 of the NPPF.

Neighbours and Future Occupants Amenities

It is considered that residential properties most immediately impacted on by the development proposals would be nos. 1 to 27 Fenton Avenue (odd numbers inclusive) and no. 52 Butt Lane which are all single storey properties set to the south-east of the site. In terms of topography the lowest land levels are located in the south-eastern corner of the site with the highest levels being towards the north of the site, between the points the increase in levels is around 11.5 metres.

Plots 1 to 15 are the plots which would be located in the south-eastern part of the site, adjacent to the boundaries with the existing residential properties, which are proposed to be two-storey dwellings. The submitted plans indicate that a 5 metre wide drainage easement would be provided between the site boundary and the curtilage boundaries of plots 1 to 3 with a 3 metre wide service verge being provided between the site boundary and the curtilage boundaries of plots 4 to 15. Plots 1 to 14 would present their rear elevations to the site boundary, and as such would have a 'back to back' relationship with the properties on Fenton Avenue, whereas plot 15 would present its side elevation to the site boundary and as such would have a 'back to side' relationship with no. 27 Fenton Avenue. No. 52 Butt Lane presents its north-western (side) elevation to the site boundary and therefore has a 'side to back' relationship with plot 1. The Council's Adopted Design SPD, outlines that a minimum back to back distance of 20 metres should be provided between new properties and existing properties and in this respect the minimum separation distance as part of the development would be 24 metres (plot 4 and no. 3 Fenton Avenue). The Council's Adopted Design SPD also specifies that the minimum 'back to side' distance of 12 metres should be adhered to and in this respect a separation distance of 25 metres would exist between the rear elevation of plot 1 and side elevation of no. 52 Butt Lane and 21 metres between the rear elevation of 27 Fenton Avenue and side elevation of plot 15. A minimum distance of 14.5 metres (plots 4 and 5) from the rear elevations of the proposed dwellings and the site boundary would also be adhered to. Whilst it is recognised that properties on Fenton Avenue are single storey in height there is adequate separation distances in this instance which would ensure against any significant overlooking, overbearing or overshadowing impacts.

Condition 3 of the appeal decision required the submission of information relating to the finished floor levels of the dwellings and finished site levels and such information accompanies this application. Generally this information indicates that the finished floor levels of the plots would rise with the topography of the land in the same manner as properties on Fenton Avenue do.

The premises of Wavin Limited lie to the south-west of the application site on the opposite side of Butt Lane and as part of the application the Council's Environmental Protection Team have been consulted and who have raised no objections. On this basis it is considered that the relationship between the proposed residential properties and the commercial premises would be acceptable and would not result in any adverse noise or smell implications to the amenities of any future occupants, particularly the occupants of plot 1.

Overall the proposal would accord with Policy D2 of the adopted Local Plan and Paragraph 123 of the NPPF.

Highway Safety

It is considered that the principle of 81 dwellings being served by an access off Butt Lane has been established by virtue of the approval of the outline application at appeal. As such any issues associated with an increase in vehicular traffic on Butt Lane, as well as within the neighbouring settlements as a whole, have already been assessed to be acceptable. In respect of construction traffic it would be necessary for a construction management plan to be approved under the terms of Condition 16 of the appeal decision.

The internal layout proposes a principal road running south to north with a secondary road connecting into this road which runs east to west, smaller cul-de-sacs and shared private drives would also be provided off the principal and secondary roads. The County Council Highways Authority in commenting on the application as originally submitted raised concerns principally in respect of the compliance of the scheme with County Council's standards for adoption. A revised scheme has subsequently been submitted and the County Council Highways Authority have advised that this would be to an adoptable standard and subsequently should be conditioned on any permission granted. It has also been advised by the County Highways Authority that the pedestrian visibility splays shown on the plan are acceptable and consequently should also be conditioned on any permission granted. On the above basis it is considered that the proposal would be compliant with Policy IF4 of the adopted Local Plan and Paragraph 32 of the NPPF.

Insofar as off-street car parking is concerned, it is considered that the proposed dwellings would meet the requirements set out in the Council's Adopted Design SPD including a minimum of two surfaced off-street car parking spaces for two and three bed dwellings, and a minimum of three surface off-street spaces for properties with four bedrooms or more. Garages which are to be utilised for the purposes of off-street parking are shown to have clear internal dimensions of 6.0 metres in length by 3.0 metres in width (single garage) and 6.0 metres in length by 6.0 metres in width (double garage) and where the garage is not of a sufficient size an appropriate level of external off-street parking would be provided. On this basis it is considered that the proposal would be compliant with Policy IF7 of the adopted Local Plan and Paragraph 39 of the NPPF.

It is proposed that public footpath P11 would be diverted as whilst the ability to follow its existing route would remain, with slight deviations, this would be upon the pavements through the estate and therefore in order to provide a more attractive and pleasant walking route it is intended that it be directed through the proposed areas of open space and National Forest planting in the northern part of the site. The County Council Footpaths Officer has been consulted on the application and has raised no objections to the proposed diversion subject to the imposition of conditions on any permission granted to secure a footpath management plan, a signing and waymarking scheme and that the footpath route is of an appropriate width and surfacing material. Subject to the imposition of such conditions on any permission granted it is considered that the diversion would not impact on users enjoyment of the right of way, particularly given the potential quality of the landscaped area which would be created, and as such the scheme would accord with Paragraph 75 of the NPPF. Public footpath P13 would not require a diversion, given that it would be retained on its current route through the open space, but the scheme would allow for greater connectivity between public footpaths P11 and P13 by the provision of informal routes which is considered to be of benefit.

Trees and Landscaping

Existing soft landscaping on the site is largely present to its boundaries in the form of hedgerows with trees present within these hedges. A large mature tree lies within the site in close proximity to the south-eastern boundary with an additional length of hedgerow containing mature trees projecting in a northern direction from the south-western boundary.

As part of the consideration of the outline planning application the Council's Tree Officer raised no objections subject to conditions associated with a site specific tree protection plan, a detailed scheme of pruning works and auditable system of arboricultural site monitoring being agreed with the Local Authority, these requests were included by the Inspector on the appeal decision under conditions 12, 13 and 14. It was also requested that the scheme be developed at the reserved matters stage so as to ensure that all structures were outside of the root protection areas (RPA's) of the trees to be retained. In progressing the development on the site it will be necessary for the developer to comply with the terms of the conditions imposed at the outline stage and in agreeing such works it will be ensured that those trees and hedges which are to be retained as part of the development are successfully integrated into the scheme. It is considered that the layout plan as submitted identifies that none of the built forms would encroach into the RPAs of the retained trees and hedges and as such their integrity would not be compromised.

A proposed soft landscaping scheme has been supplied in support of the application with it being a requirement of the Section 106 agreement that an area of National Forest planting be provided on land in the northern area of the site. Condition 6 of the appeal decision also required the submission of a landscape (and ecological) management plan as part of the reserved matters submission and this plan has subsequently been submitted. As part of the consideration of the application The National Forest Company has been consulted who have raised no objections and have commented that:

"The amount of woodland within the open space has been increased. While this is not as much as we had sought they are constrained by the need to limit planting on the northern 30 metres of the open space, an additional area of grassland within limited public access has therefore been included. Amendments have also been made to the species mix and further on-plot planting has been added as we requested."

On the basis of the submitted plans The National Forest Company has no objections subject to the soft landscaping plans being conditioned on any permission granted. The soft landscaping scheme to be implemented would incorporate native planting and is denser in the northern areas of the site so as to 'soften' the edge of the development given its relationship with open agricultural land beyond these boundaries. A condition would be imposed so as to secure the agreed landscaping scheme.

The National Forest Company has also commented that the details of the landscape management plan are acceptable subject to the woodland planting being spot-sprayed (to ensure the grass growth does not compete with the young trees) which is included within an appendix document to the main landscape management plan. A condition would be imposed to ensure that the development is carried out in accordance with the landscape management plan.

With regards to hard landscaping the submitted plans indicate that the principal roads would be required to be constructed of tarmac, due to their adoption by the County Highways Authority. In terms of the hard surfacing to private drives (including individual plots driveways) and within the curtilage of the plots the submitted plans do not make it explicitly clear as to what type of surfacing would be used in such areas and consequently a condition would be imposed on any permission granted for the precise hard landscaping scheme to be agreed.

Overall, and subject to the imposition of conditions on any permission granted, a strong landscaping scheme would be provided so as to ensure the development complied with Policies D1 and En3 of the adopted Local Plan.

Children's Play and Public Open Space

Policy IF3 of the adopted Local Plan identifies that the provision of open space and recreation facilities will be sought on new housing developments comprising 50 or more dwellings.

The Section 106 agreement secured as part of the appeal decision outlines that an equipped children's play area is to be provided, which should have a minimum of eight activities and provide for the needs of children up to 14 years of age, along with 0.14 hectares of open space (based on 71 dwellings being proposed as part of this application).

It is identified on the submitted layout plan that the proposed play area would be provided centrally within the large open space area situated within the northern part of the site and in commenting on the scheme as submitted The National Forest Company have commented that:

"The proposed timber equipment within the play area is welcomed. Changes in level and the addition of fallen tree trunks and play boulders would help to create a natural play design which would suit the wooded and semi-rural location."

The detailed scheme of the children's play area, along with the details of its future management and maintenance, would need to be agreed separately under the terms of the Section 106 agreement but it is considered that the scheme as proposed, along with the provision of additional equipment in line with the comments of The National Forest Company, would ensure that an appropriate scheme would be provided as part of the development.

A significant proportion of the site is proposed to be provided as public open space which consists a main area within the north of the site, which would include National Forest planting and the children's play area, and a secondary area in the southern area of the site adjacent to Butt Lane. As outlined in the 'Trees and Landscaping' section of this report above The National Forest Company have raised no objections to the application and consider that the proposed tree planting and areas of open space would be acceptable and would meet the requirements outlined in the Section 106 agreement. Whilst noting that the area of public open space in the southern area of the site would include features (balancing ponds) which would operate as part of a Sustainable Urban Drainage System (SuDS) it is considered that this area would still contribute towards the schemes open space provision by virtue of the informal footpath routes which would be provided through this area which would enable it to be accessible by members of the public. The provision of planting in this area would also ensure that it contributed positively to the overall levels of green infrastructure on the site. As outlined above The National Forest Company also have no objections to the landscape management plan which has been submitted.

The children's play area and areas of open space would also (in accordance with advice in the Good Design for North West Leicestershire SPD) be overlooked by a significant number of dwellings within the scheme so as to ensure that high levels of natural surveillance are provided to these areas which will encourage their use whilst also discouraging any misuse.

Overall the proposal would accord with Policies D1 and IF3 of the adopted Local Plan.

Affordable Housing and Housing Mix

As part of the proposed development it is intended that six affordable units would be provided which would comprise four x two bed bungalows and two x two bed social housing. The Council's Affordable Housing Enabler has been consulted on the application and has commented that:

The Section 106 agreement relating to the outline application indicates that the affordable housing requirement will be 30% on this development of which 15% will be provided as on-site provision. The remaining 15% requirement will be made as an off-site commuted sum payment to support the delivery of affordable housing in other higher demand areas of the district.

The numbers proposed are less than the agreed 15% across the site but the majority of the properties will be provided as bungalow accommodation reflecting the findings of the rural housing needs survey in the village. The Strategic Housing Team acknowledges that bungalows are more land hungry than houses and that this particular location does not have a need for apartments which would normally counterbalance the land take up of the bungalows. The Strategic Housing Team are happy to accept the numbers and property types.

The signed Section 106 agreement relating to the outline application identifies the methodology for the calculation of the off-site commuted sum payment. The Strategic Housing Team would seek to secure 5 properties as Affordable Rented properties and one property as shared ownership and we are happy to discuss the specific properties with the recipient Registered Provider to ensure the properties fully meet the needs of the local residents.

The Strategic Housing Team are happy to accept the location of the affordable properties.

On the basis of the above the Council's Affordable Housing Enabler has no objections to the application and consequently it would be considered compliant with Policy H4 of the adopted Local Plan. Details of when the affordable units would be delivered, as well as the payment of the off-site commuted sum, along with the arrangements for the transfer to a Registered Provider would be agreed separately under the provisions of the Section 106 agreement.

In addition to affordable housing (defined as including social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market) the NPPF also provides in Paragraph 50 that Local Planning Authorities should "plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)." Policy H6 of the adopted Local Plan requires a mix of housing types, size and tenure to meet the identified needs of the community.

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:

- 1 bed - 0-10% (Market) and 30-35% (Affordable);
- 2 bed - 30-40% (Market) and 35-40% (Affordable);
- 3 bed - 45-55% (Market) and 25-30% (Affordable);
- 4 bed - 10-20% (Market) and 5-10% (Affordable);

The submitted scheme proposes the following (%):

- 1 bed - 0% (Market) and 0% (Affordable);
- 2 bed - 1% (Market) and 100% (Affordable);
- 3 bed - 34% (Market) and 0% (Affordable);
- 4 bed+ - 64% (Market) and 0% (Affordable);

The market housing would be weighted more towards larger units than as suggested by 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 with the scheme providing four bungalows. 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 81 dwellings to be erected (and given that developers tend to work in terms of total floor space rather than number 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 number of units proposed. Overall the scheme is considered to be acceptable.

Impact on the River Mease Special Area of Conservation/SSSI

The Section 106 agreement secured under the outline permission granted on appeal requires a relevant financial contribution to be paid for the amount and type of dwellings which would be provided on the site so as to off-set the additional foul drainage discharge which would be created.

Given the sites greenfield status the provision of the residential development will result in additional hard surfaces on the site. Whilst this is the case it is considered that the implications to the River Mease SAC could be mitigated by the submission of a surface water drainage scheme required by Condition 23 of the outline planning permission.

On the above basis it can be ascertained that the development on the site will, either alone or in combination with other plans or projects, have no likely significant effect on the internationally important interest features of the River Mease SAC, or any other features of special scientific interest of the River Mease SSSI. The development therefore conforms to Policies En2 and Cc3 of the adopted Local Plan.

Drainage and Flood Risk

Third party representations have been received in respect of the proposed development resulting in implications to a localised flooding impact. In acknowledging these comments it is noted that drainage design is in effect a matter covered under the outline planning permission

(with Condition 23 of the outline consent requiring the submission of a surface water drainage scheme prior to the commencement of the development) and therefore is not a matter for further consideration as part of this reserved matters application given that it will be necessary for the applicant to demonstrate at the appropriate time (i.e. when submitting details to comply with the terms of Condition 23) that a suitable surface water drainage proposal will be provided. For its part the Lead Local Flood Authority (LLFA) have raised no objections to the application and whilst they have suggested the imposition of surface water conditions given that the outline application has previously assessed this matter, and imposed relevant conditions, the imposition of such conditions as part of this application would be a duplication of process and consequently Condition 23 of the outline consent will remain the main mechanism which will agree a suitable surface water drainage solution for the development. On this basis it is considered that the scheme would be compliant with Policies Cc2 and Cc3 of the adopted Local Plan as well as Paragraph 103 of the NPPF.

In respect of the drainage ditch which runs adjacent to the boundary of properties on Fenton Avenue if the development was to increase the flow of water into the ditch than the LLFA have advised that consent under Section 23 of the Land Drainage Act 1991 would be required. As such the LLFA in considering the surface water drainage solution as part of the discharge of Condition 23 of the outline permission would subsequently give due consideration to this matter at that time. Management responsibilities for the drainage ditch would also be made clear in any management schedule for the surface water drainage solution submitted in respect of Condition 23 of the outline consent. If the drainage ditch does not form part of the surface water drainage solution than the maintenance responsibility would rest with the land owner with it being shown on the plans that a 3 metre clearance strip would be provided to the drainage ditch so as to enable future maintenance to be undertaken.

Condition 24 of the outline planning permission indicates that only the mains sewer will be utilised for foul drainage discharge and the details of how a connection will be made to the mains sewer, as well as the discharge rates from the development, will be agreed with Severn Trent Water (STW) as the sewerage undertaker. On this basis the development would accord with Paragraph 120 of the NPPF.

Other Matters

The Coal Authority have been consulted on the application and have raised no objections given that the legacy of coal mining activity on the site will be addressed by the submission of details under the terms of Condition 11 of the outline planning permission. On this basis the application site can be made safe for the intended development which would ensure compliance with Paragraphs 120 and 121 of the NPPF. Conditions 19 and 20 of the outline planning permission will also ensure that matters in respect of land contamination are adequately addressed which would also comply with the aforementioned Paragraphs of the NPPF.

The Council's Waste Management Team have advised that the bin collection points to be created are of a sufficient size to accommodate the waste receptacles and are in accessible locations. Given that amendments have been made to the internal road layouts they would also now be of a standard which would enable them to be adopted by the County Highways Authority and as such the turning heads would be of a size which would enable a refuse vehicle to manoeuvre and exit a cul-de-sac in a forward direction. A condition would be imposed on any permission granted for the bin collection points, as well as the bin stores, to be provided.

Representations have been received from third parties in respect of the layout plan identifying two areas of the site which would remain undeveloped as part of this reserved matters application but which are of sizes that could accommodate more than 10 dwellings (the amount

of dwellings left as specified within condition 8 of the outline planning permission should permission be granted for 71). It is a fundamental tenet of the planning system that each application be assessed on its own merits and therefore the potential for future development on the site, be that for a further 10 dwellings as part of another reserved matters application or a scheme for a greater number of dwellings, would not be of relevance in the determination of this application. Any future application(s) that increased the overall number of dwellings on the site above the 81 approved at the outline stage would be subject to additional developer contributions which would be secured by a further Section 106 agreement.

A Section 106 agreement was secured under the outline planning permission which established the level of contributions which would be required to mitigate the impacts of the development. Given that these impacts would be no greater as a result of the development proposed it would be unreasonable to request any further contributions particularly given that such matters have no direct relevance to an application for reserved matters approval. The County Council as the Education Authority requested the provision of an education contribution for improvements to school facilities which was secured in the Section 106 agreement and as the Education Authority the County Council has the final determination on where any contribution in this respect is directed (it being outlined in the Section 106 that it would likely be used at Blackfordby St. Margaret's Church of England Primary School, Ivanhoe College, Ashby De La Zouch and Ashby School).

Summary Reasons for Granting Reserved Matters Approval

The principle of the development has been accepted by virtue of the approval of the outline planning permission for up to 81 dwellings. It is considered that, following amendments made by the applicant, the proposed development would be carried out in a manner which would ensure that it would not impact adversely on the amenities of existing and future occupants, the character and appearance of the area or streetscape, highway safety or ecological species and which would also provide suitable affordable housing provision, soft landscaping scheme and public footpath diversion. There are no other material planning considerations that indicate reserved matters approval should not be granted, particularly given that conditions of the outline permission would need to be adhered to in developing the site, and accordingly the proposal subject to the imposition of conditions is considered acceptable for the purposes of the aforementioned policies.

It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to conditions;

1. Compliance with outline planning permission.
2. Approved plans.
3. External materials.
4. Precise external detailing.
5. Soft landscaping.
6. Replacement vegetation.
7. Future maintenance and management of landscaping.
8. Hard landscaping.
9. Boundary treatments.
10. Retaining walls over 0.5 metres in height.
11. External lighting to private drives and parking courtyards.
12. Finished floor and ground levels.
13. Bin/recycling storage and collection points.
14. Details of substations/pumping stations.
15. Delineation of off-street parking spaces to shared parking areas.
16. Public Right(s) of Way.
17. Pedestrian visibility splays.
18. Off-street parking.
19. Highway drainage.