

Reserved matters approval (access, appearance, landscaping, layout and scale) (outline planning permission 13/00956/OUTM) for the enabling works associated with Phases A1, A2 and A3 including the demolition of the buildings at Upper Grange Farm and The Bungalow; regrading of the land; installation of the Gateway, the street to the west of the Gateway, and junction of the street to the east of the Gateway; installation of surface and foul water drainage infrastructure; landscaping; and diversion of Public Rights of Way

Report Item No
A2

Land South Of Grange Road Hugglescote Leicestershire
LE67 2BT

Application Reference
19/00747/REMM

Grid Reference (E) 443399
Grid Reference (N) 312592

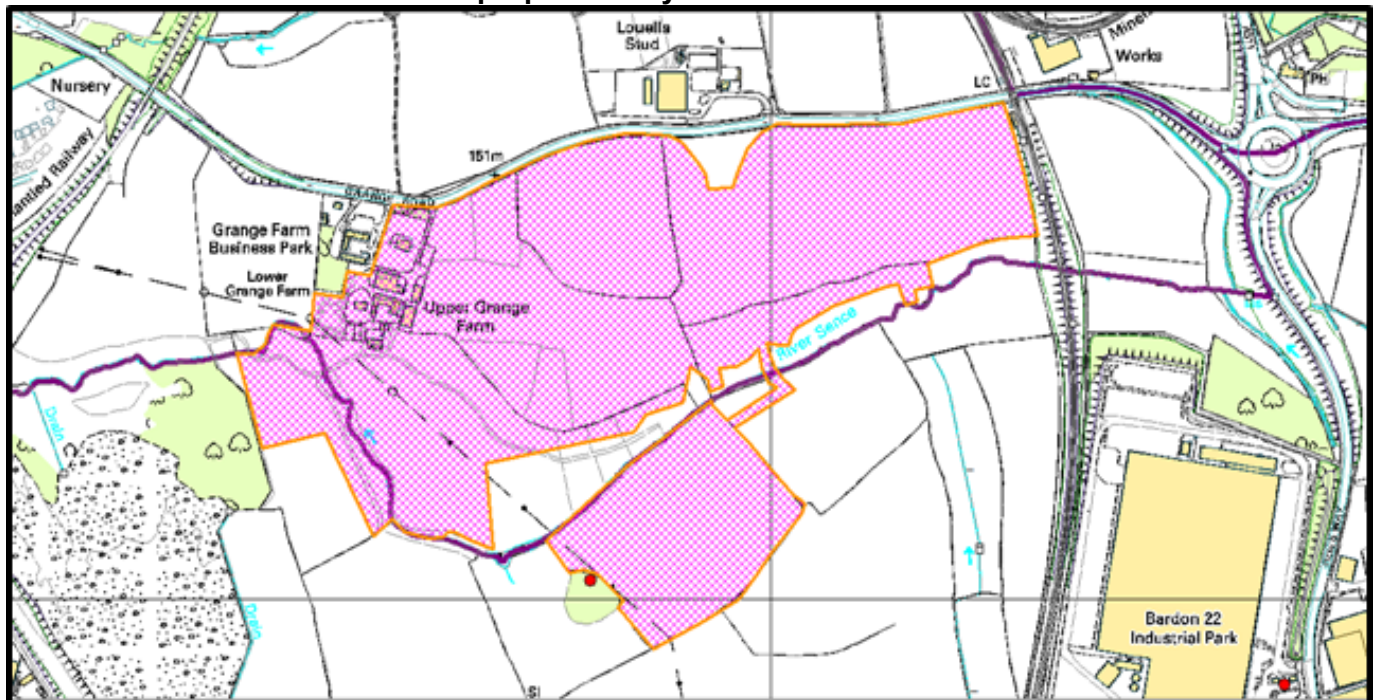
Date Registered:
22 March 2019
Consultation Expiry:
20 June 2019
8 Week Date:
21 June 2019
Extension of Time:
None Agreed

Applicant:
Harworth Group

Case Officer:
James Knightley

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is referred to the Planning Committee for determination on the basis of the Planning Committee resolution of 2 December 2014 in respect of the outline planning permission for the wider South East Coalville development.

Proposal

This is a reserved matters application for a range of enabling works on land forming part of the wider South East Coalville development.

Consultations

Objections have been received from Hugglescote and Donington le Heath Parish Council in respect of the proposals.

Planning Policy

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.

Conclusion

The proposed development is considered to represent an appropriate form of development in accordance with the outline planning permission, and would allow for any future detailed housing scheme to be submitted in subsequent reserved matters schemes on the site to provide for an acceptable standard of design to meet the Local Planning Authority's design objectives.

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

This is a reserved matters application for a range of enabling works on a site of 31 hectares forming part of the wider South East Coalville development. The enabling works proposed include the following: -

- Demolition of the existing buildings at Upper Grange Farm and the Bungalow;
- Regrading of the land across the whole of the application site;
- Provision of surface and foul water drainage infrastructure;
- Diversion of existing Public Rights of Ways;
- Installation of some of the road network within this parcel; and
- Strategic landscaping within and surrounding the proposed attenuation basins.

The original outline planning permission (ref. 13/00956/OUTM) was determined at the Planning Committee in December 2014, and issued in September 2016 following completion of a Section 106 obligation securing contributions including in respect of affordable housing, travel plans, travel packs, bus passes, children's play / public open space / recreation, biodiversity enhancement, education, civic amenity, libraries and healthcare. An associated Section 278 agreement between the applicants and Leicestershire County Council secured contributions towards off-site highways infrastructure.

All matters were reserved for subsequent approval, and all five reserved matters for the phase to which this application relates (i.e. access, appearance, landscaping, layout and scale) are included for consideration as part of this reserved matters submission. However, the outline planning permission was accompanied by an indicative development framework plan indicating the general location of built development, open space and highway infrastructure within the site, and has subsequently been subject to approved discharge of condition submissions in respect of a site-wide Masterplan (including Masterplan Statement), Design Code and a Vehicular Access Strategy.

The approved Masterplan Statement includes a scheme of phasing; the works to which this reserved matters application relate to land to both the northern and southern side of the River Sence, and falling within Phases A1, A2, A3 and B4 (albeit the current proposals in respect of the land to the southern side of the river (Phase B4) would be limited to use for the storage of topsoil). The application does not include any details in respect of proposed soil storage as this is intended to be addressed by way of discharge of conditions in respect of the outline planning permission (and, in particular, as part of the proposed Construction Environmental Management Plan (CEMP)); submissions for approval of details under conditions have been submitted separately to the Local Planning Authority for determination in the usual way.

2. Publicity

11 Neighbours have been notified.
Site Notice displayed 18 April 2019.
Press Notice published Leicester Mercury 1 May 2019.

3. Summary of Consultations and Representations Received

East Midlands Airport has no objections

Environment Agency has no objections subject to conditions

Ellistown and Battleflat Parish Council - no comments received

Hugglescote and Donington le Heath Parish Council objects on the grounds that the proposals would harm the archaeological earthworks associated with Hugglescote Grange

Leicestershire County Council Archaeologist comments awaited (and will be reported on the Update Sheet)

Leicestershire County Council Ecologist has no objections subject to conditions

Leicestershire County Council Lead Local Flood Authority has no objections

Leicestershire County Council Highway Authority has no objections

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

National Forest Company has no objections subject to inclusion of native woodland planting within the proposed landscaping

Network Rail has no objections

North West Leicestershire District Council Environmental Protection team has no objections

Third Party Representations

None

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

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

Paragraphs 8, 11 and 12 (Achieving sustainable development)

Paragraphs 47, 54 and 55 (Decision-making)

Paragraphs 106, 109 and 110 (Promoting sustainable transport)

Paragraphs 124, 127, 129 and 130 (Achieving well-designed places)

Paragraph 163 and 165 (Meeting the challenge of climate change, flooding and coastal change)

Paragraphs 170 and 175 (Conserving and enhancing the natural environment)

Paragraphs 189, 190, 192, 197 and 199 (Conserving and enhancing the historic environment)

Further advice is provided within the MHCLG's Planning Practice Guidance.

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 (site H1h). The following adopted Local Plan policies are considered relevant to the determination of this application:

Policy D1 - Design of new development

Policy D2 - Amenity

Policy IF1 - Development and Infrastructure

Policy IF4 - Transport Infrastructure and new development

Policy En1 - Nature Conservation

Policy En3 - The National Forest

Policy He1 - Conservation and enhancement of North West Leicestershire's historic environment

Policy Cc2 - Flood Risk

Policy Cc3 - Sustainable Drainage Systems

Other Policies

Good Design for North West Leicestershire SPD

Leicestershire Highways Design Guide

5. Assessment

Principle of Development

The principle of development of this site was established by the grant of the original outline planning permission in September 2016 and, as a submission for reserved matters approval, the present application essentially seeks agreement of details in respect of the access, appearance, landscaping, layout and scale within the relevant parcels (insofar as they relate to the infrastructure works proposed at this time). 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 matters 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) (either for the site as a whole or the relevant phase). These conditions include requirements in respect of: provision of a masterplan (Condition 5); a Design Code (Condition 8); a statement setting out how the Design Code has been complied with (Condition 9); details of modelling and buffer works relating to the River Sence (Conditions 11 and 16); a vehicular access strategy (Condition 27); a site-specific Travel Plan for the relevant phase (Condition 31); and details of continuous routes suitable for buses (Conditions 32 and 33). However, whilst these conditions generally require these matters to be submitted with the first reserved matters application for the relevant phase, the consortium has already sought to address the majority of these on a site-wide basis under separate discharge of condition applications, and the submission requirements under Conditions 5, 8, 11, 16 and 27 have, in effect, already been

complied with. In terms of the remaining conditions referred to above, the following conclusions are reached:

Condition 9: In accordance with the condition, the application is accompanied by a statement setting out how, in the applicant's view, the scheme meets the requirements of the approved Design Code, and the requirements of the condition are met. Officers' assessment of the scheme's performance against the Design Code is set out in more detail under the relevant sections below.

Condition 31: The condition only applies to any reserved matters application relating to erection of buildings, so no submission is required in respect of this application.

Condition 33: The condition only applies to the first reserved matters application submitted in respect of land to the south of Grange Road, and has already been submitted under application 18/00341/REMM (erection of 49 dwellings) on land further west on Grange Road. The application documents submitted in respect of that application included a copy of the approved Vehicular Access Strategy which contains details indicating that the scheme would provide two continuous routes suitable for bus use through land to the southern side of Grange Road, one of which would connect a proposed new roundabout on Grange Road to a new one on Beveridge Lane (to the north of the Amazon unit). [NB Condition 32 provides for equivalent requirements in respect of land north of Grange Road, and no submission is therefore required in connection with this parcel; this was previously addressed under reserved matters application ref. 18/00375/REMM.]

Proposed Landform and Surface Water Drainage Measures

Under the provisions of the approved Masterplan, a large area of green infrastructure (and including public open space and SuDS features) is proposed to be provided alongside the course of the River Sence, and the general form of development proposed in this area complies with the scheme set out on the Masterplan.

In terms of site levels, a range of cut and fill type works are proposed in order to provide plateaus suitable for provision of dwellings (with the intention being that the developer would, at this initial stage, undertake these works and provide the principal east-west route such that the various development parcels would then be in place ready for their final development by housebuilders). The extent of the cut and fill would vary throughout the site but (excluding areas where SuDS basins are proposed to be formed) the increases or reductions in land levels compared to existing would typically be in the range of approximately 1 to 2 metres (albeit more than this in some cases, for example where greater excavation would be required to form SuDS features, or filling of existing voids). More significant cut and fill would be required towards the southern part of the site (i.e. away from the sections of the site where the principal built development would take place). This would be considered reasonable in the context of a scheme of this scale, and would be considered to have no unacceptable impacts beyond the site, nor in terms of the likely design quality of the eventual scheme.

Insofar as providing a suitable means of attenuation and disposal of surface water is concerned, the outline planning permission is subject to conditions in this regard, and requiring a detailed scheme of surface water drainage to be submitted and approved. As such, the suitability of the features proposed to achieve the required discharge rates etc. is more a matter for the discharge of the outline planning permission conditions than this reserved matters submission.

As set out above, submissions have previously been approved in respect of Condition 11 of the

outline planning permission, but this submission nevertheless includes an updated Flood Risk Assessment relating to the majority of this specific section of the wider site; this has been assessed by the Environment Agency and the Lead Local Flood Authority and no objections are raised.

In terms of the appearance of the proposed SuDS features (and whilst this would remain a matter for discharge of conditions on the outline permission), the submitted details indicate that the proposed balancing facilities would, for the most part, have internal gradients of no steeper than 1:4 (and, as such, would have the potential to comply with the District Council's Good Design for North West Leicestershire SPD which seeks to avoid steeply-sided basins that require fencing, thus preventing them from becoming a useable part of the public open space network). Insofar as the proposed headwalls are concerned the applicant's agent confirms that the developer is assessing the position in terms of their finish, but indicates that a sandbagged appearance is likely to be achievable (i.e. as opposed to plain concrete), and which would appear reasonable. The agent has also confirmed that no fencing would be required. On this basis, it would appear at this stage that the proposed SuDS features would be capable of complying with the guidance in the Good Design for North West Leicestershire SPD.

Highway Safety, Transportation and Access Issues

As set out above, whilst the site is subject to an agreed vehicular access strategy, the details of the proposed means of access were reserved. Insofar as those elements of access proposed under this application are concerned, these would, in effect, be a section of the principal north - south route through the eastern part of the wider South East Coalville site (termed the "Gateway" in the approved Masterplan and Design Code), and an east - west route from the Gateway into the land within this parcel located to the western side of the Gateway. The Gateway would be accessed from the north via a proposed new roundabout on Grange Road (and the subject of a separate, full, application currently under consideration by the Local Planning Authority (ref. 19/00372/FULM)).

Insofar as the specification for the routes proposed under this application is concerned, the Gateway is a specifically defined route typology in the Design Code comprising a 6.75m carriageway with a 2m wide footway to one side and 3m wide combined footway and cycleway to the other; the submitted plans comply with this typology. A raised pedestrian crossing point (with associated narrowed carriageway) is also proposed; again, this is allowed for in the Design Code. The Gateway street typology also requires provision of tree-lined verges with hedgerow behind separating the highway from dwelling frontages; the current application details only extend to the back of footway / combined footway and cycleway, and the landscaping elements would therefore need to be included as part of any detailed housing layout reserved matters application in due course. The proposed east-west route would be of the "Street" typology in the Design Code, comprising a 5.5m wide carriageway with 2m wide footway to either side; again, this would need to provide for landscaping to either side at the appropriate time.

For its part, the County Highway Authority raises no objections; in particular it confirms that the position and layout of the roads would be acceptable in principle, and that the visibility splays at the proposed junctions on the Gateway would be in accordance with the Leicestershire Highway Design Guide.

The County Highway Authority draws attention to a number of proposed block paved carriageway strips shown on the Gateway and queries their function. However, it is noted that these are features required under the provisions of the approved Design Code and would make a useful contribution to introducing character into the scheme, as well as assisting its legibility.

Whilst the County Highway Authority's concerns over future maintenance are noted, it would appear to be open to the County Council to charge a commuted sum in the usual way and, furthermore, it is not considered that concerns of this nature would be material to the planning process (and the Local Planning Authority's assessment of how the proposed street network would contribute to the scheme's place making credentials). Similarly, the County Highway Authority draws attention to the proposed pedestrian crossing feature and, whilst noting, again, that this is a feature which accords with the Design Code, advises that supplementary measures such as advanced signage, safety audits and consideration of appropriate materials (including commuted sums) will be considered in detail during the Section 38 process.

From the planning point of view, the County Council's preferred materials for *adoption* under the separate Section 38 process are not directly relevant in that the key issues here are considered to be whether (i) the scheme accords with the agreed Design Code; (ii) the scheme would provide for a satisfactory form of development in terms of the free and safe flow of traffic within the highway; and (iii) the scheme meets the place-making principles set out within the District Council's adopted Local Plan and SPD policies. Subject to the scheme being implemented in accordance with the agreed suite of materials specified in the Design Code, the proposals would be considered to comply with all of these requirements. It is also noted that the Leicestershire Highway Design Guide does not preclude use of alternative materials, and stating that *"the aim in building new developments should be to create places and spaces (including adoptable highway areas) which are attractive, of high quality and have their own distinctive identity while respecting and enhancing local character. The Manual for Streets sets out that using local materials can strengthen local character by relating a layout to neighbouring developments"*. It is considered that the use of materials other than tarmac would be necessary in this instance in order to enable the design aspirations of the development to be met and, whilst precise details of materials are proposed to be secured by way of condition, it is considered essential that the materials ultimately agreed are of the nature established in the Design Code.

Insofar as the "Street" is concerned, the County Highway Authority confirms that its geometry would accord with the Leicestershire Highway Design Guide. Given that the proposals do not include details of junctions serving development plots at this stage, the County Highway Authority takes the view that the exact location of traffic calming will need to be rationalised during the Section 38 process. From the planning point of view, it is appreciated that the precise location of the traffic features along the Street will to a degree be dependent on the eventual detailed layout, and it is recommended that conditions be attached allowing for their final siting to be agreed in due course.

A number of rights of way (Footpaths N50, N52, N53 and N54) are affected by the proposals, and the proposals would result in the provision of pedestrian routes not following the existing public right of way routes on the definitive map. In particular, the route of footpath N54 which crosses the site east-west would be replaced by a new pedestrian link further south within the site, and passing through the proposed green infrastructure areas. Leicestershire County Council's Rights of Way team had initially raised a number of queries seeking clarification as to the rationale for the routes proposed, but now confirms that no objections are raised.

In terms of the amenity impacts on rights of way, it is considered that the development of the site in itself would, inevitably, have some implications on the rural character of the affected routes (which, at this point, pass through currently undeveloped agricultural land / grassland). However it is accepted that some impacts will often be unavoidable when developing a greenfield site, and it is also acknowledged that the proposals would continue to provide what would, it is considered, be likely to be pleasant non-vehicular routes for walkers etc., and would

form part of a broader network of pedestrian routes throughout the wider South East Coalville site.

A number of conditions are requested by the County Council's Rights of Way team (albeit some of the conditions requested to be attached by the County Council would, in this instance, seem more appropriately related to the separate diversion / extinguishment process). The County Council's Rights of Way team's recommended conditions also include provision for tarmac surfacing be provided to all public footpath routes / diverted routes through the site. It is agreed that, in order to ensure that maximum benefit is gained in terms of encouraging journeys to be undertaken by foot, all-weather surfacing would generally be appropriate. Whilst it is appreciated that there may be differences in terms of future frequency of maintenance etc., in *planning* terms, however, there seems to be no overriding reason why a different surfacing (such as Breedon gravel) would not be just as appropriate as tarmac in terms of maximising suitability of use for all users. Moreover, in view of the intended rural / National Forest setting, it is considered that a visually "softer" finish may be more sensitive, and enhance the recreational value of the site. It is recommended that details of the actual materials used be subject to a condition requiring these to be agreed.

Residential Amenity

Insofar as this reserved matters application is concerned, there are no immediately affected neighbouring dwellings to the site, and it is therefore considered that the principal residential amenity issues relevant to this application would be in respect of any impacts during the site operations themselves (and including those associated with construction noise and dust etc.). Under the Environmental Statement mitigation measures conditions attached to the outline planning permission, a Construction Environmental Management Plan (CEMP) is required to be approved by the District Council for each phase prior to the commencement of work on that phase. As such, any potential amenity issues arising from the works would be able to be controlled under that mechanism. No objections are raised to the current reserved matters application by the District Council's Environmental Protection team.

Trees and Hedgerows

The application is accompanied by an Arboricultural Assessment identifying and categorising the existing trees on the site; the Assessment also considers hedgerows on the site (albeit a number of the hedgerows on the have already been removed since the time that the survey was undertaken (authorised under a separate Hedgerow Removal Notice application approved in March 2019 (ref. 18/02266/HRN)).

In terms of the affected trees, the Arboricultural Assessment assesses a total of 32 individual trees and 25 groups, and identifies that two individual trees, one group, and parts of two groups would need to be removed in order to accommodate the proposed scheme. Save for one other tree identified as unsuitable for retention in any event, the proposed cut and fill operations and road layout would enable all other trees would be retained.

Of the trees identified for removal in the Arboricultural Assessment in order to accommodate the development, one would be a hawthorn within retention Category B (moderate quality), and the other an ash within Category C (low quality). Insofar as the affected groups are concerned, one would be a group of larch (Category B), the southern portion of a group comprising a range of species (Category B), and a section of an elongated group of various species on the southern boundary where the future principal north-south route is proposed to pass through it (Category C). Given the limited impacts in terms of numbers and quality of trees affected, the proposals

are considered acceptable in this regard.

In term of the proposed green infrastructure, it is acknowledged that this is to a degree already addressed separately under the Section 106 agreement (and including in terms of its detailed layout, landscaping, provision of play equipment and long-term management) and in respect of which a separate scheme is required to be submitted and agreed for each phase of the wider South East Coalville development. However, in terms of the landscaping scheme submitted, the National Forest Company had made a number of comments including in respect of the specific species and planting sizes proposed, and the relationships between planting locations and pedestrian routes. The scheme has been amended in order to seek to accommodate the National Forest Company's recommended changes, and the National Forest Company notes that the majority of the changes it had suggested have been accommodated. However, it advises that a further change be made so as to ensure that areas of native woodland planting are also accommodated, and further amended plans have been submitted to address this. Should the National Forest Company make any further comments, these will be reported on the Update Sheet but, in any event, it is considered that the National Forest Company's requirements can be secured by an appropriately worded condition.

Ecological Issues

Whilst ecological and biodiversity issues were addressed in the outline planning application (and including within the Environmental Statement), the current reserved matters application is accompanied by a range of ecological reports, including an Ecological Appraisal, an Ecology Timetable and Mitigation document, and species specific reports in respect of water voles and otters, great crested newts and reptiles, and bats.

In terms of the Ecological Appraisal, this concludes that the site is dominated by large compartments of species-poor grassland and tall herb / ruderal vegetation, with small patches of amenity grassland, ephemeral vegetation, hard standing and buildings. It also sets out the various enhancements to habitat included within the proposals, and assesses the potential impacts on protected species.

These issues are in effect addressed under the outline planning permission and associated Environmental Statement mitigation, and various ecological requirements need to be satisfied prior to commencement on the relevant phase under the Environmental Statement mitigation measures. Nevertheless, the County Ecologist has assessed the submissions, and raises no objections. In addition, she has requested minor amendments to the species indicated on the proposed landscaping plans so as to enhance the proposed habitat creation; the scheme has subsequently been amended, and the revised proposals are considered acceptable by the County Ecologist subject to the addition of a condition setting out the detailed specification of a temporary bridge during construction works so as to ensure it is appropriate in terms of ensuring that wildlife movement is not hindered whilst it is in place.

As such, the scheme would be considered to be acceptable in terms of its ecological and biodiversity impacts, and would meet the requirements of Local Plan Policy En1.

Archaeological Issues

Concerns have been raised by Hugglescote and Donington le Heath Parish Council in respect of archaeological issues and, in particular in respect of the potential implications on the site of the former Hugglescote Grange.

At the time that the original outline application was considered, the County Archaeologist raised a number of concerns regarding the potential impacts on the archaeological interest of the area around Upper Grange Farm, given its interest and likely former use as a grange in the medieval period. In particular, concerns were raised regarding the impact on the remaining earthworks and former fish farming ponds; following amendments to the proposals, however, the County Archaeologist's concerns were addressed, and a condition was attached to the outline planning permission requiring the submission and approval of a scheme for in-situ preservation of remains prior to commencement of development within this phase.

Insofar as the current application is concerned, the final comments of the County Archaeologist were awaited at the time of preparing this report, but it is understood that, given the location of the proposed works in relation to the area where in-situ remains are proposed to be preserved, no significant concerns are expected to be raised. Any comments subsequently received will be reported on the Update Sheet.

It is therefore considered that, subject to the County Archaeologist confirming that no objections are raised to the application (and, subsequently, subject to the imposition of any necessary conditions in respect of appropriate mitigation for any archaeological implications of the development), the scheme would meet the requirements of Local Plan Policy He1 and the relevant historic environment-related policies of the NPPF.

Conclusions

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

The reserved matters scheme the subject of this application is considered to be acceptable, and would be considered to represent an appropriate (and proportionate) set of proposals necessary in order to enable the site to come forward for residential development in accordance with the outline planning permission.

RECOMMENDATION- PERMIT, subject to the County Archaeologist confirming that no objections are raised, and subject to the following condition(s):

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping (including amendments to provide native woodland planting)
- 4 Tree Protection
- 5 Compliance with details approved pursuant to outline planning permission conditions (and forming part of the reserved matters submission)
- 6 Clarification in respect of proposed soil storage
- 7 Pedestrian and cycle connections (including any works to public rights of way and other routes)
- 8 Archaeology (if recommended by the County Archaeologist)
- 9 Ecology (including specification of temporary bridge for use during construction)
- 10 Flood risk and drainage (where not covered under the outline planning permission)
- 11 Boundary treatment
- 12 Highways Materials (including to transition strips, traffic calming and pedestrian crossing)
- 13 Details of any markings, physical barriers / features and signage required in respect of

the proposed pedestrian crossing