

Residential development for up to 30 dwellings (outline application with details of part access)

**Report Item No
A1**

**67 Station Road Hugglescote Coalville Leicestershire LE67
2GB**

**Application Reference
19/00141/OUTM**

**Grid Reference (E) 442408
Grid Reference (N) 312479**

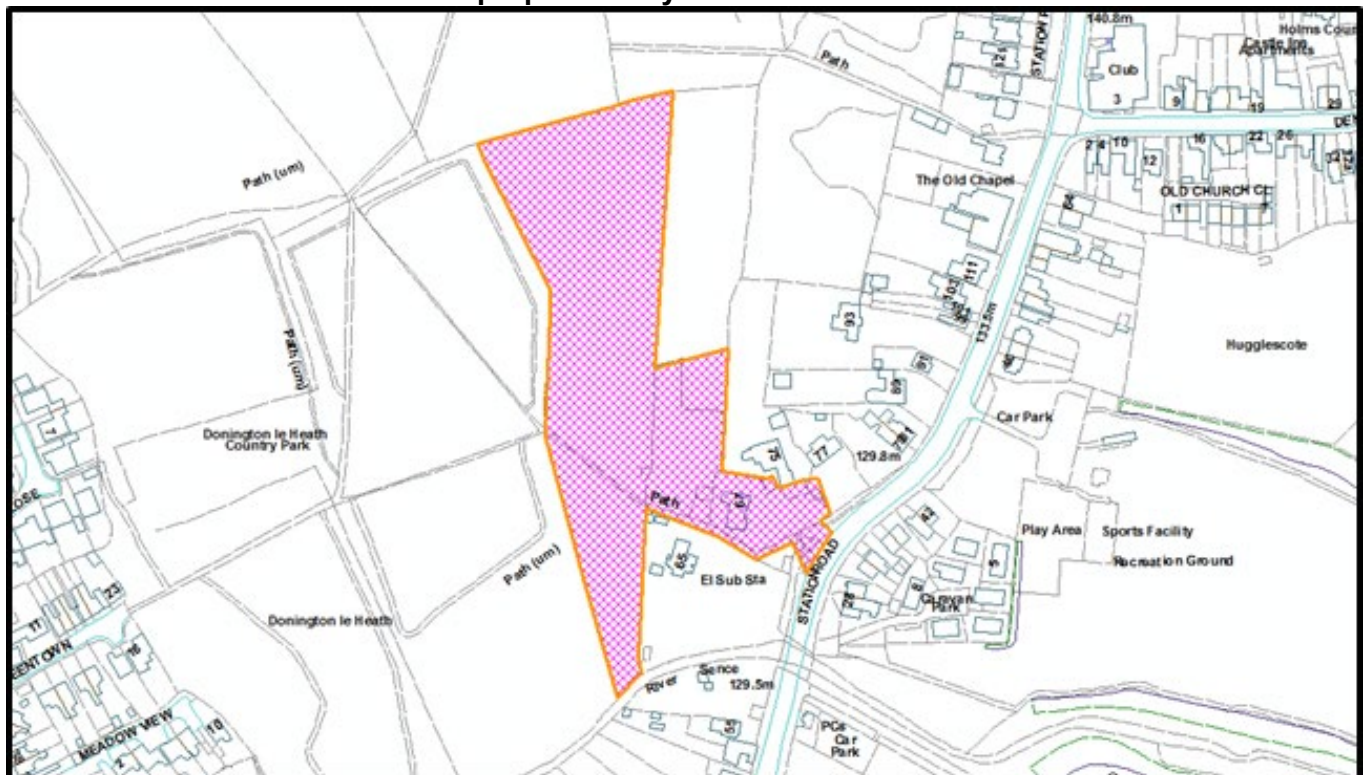
**Date Registered:
24 January 2019
Consultation Expiry:
27 February 2019
8 Week Date:
25 April 2019
Extension of Time:
None Agreed**

**Applicant:
Mr T Marsden**

**Case Officer:
Adam Mellor**

**Recommendation:
PERMIT subject to S106 Agreement**

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

Call In

This application has been brought to the Planning Committee at the request of Councillor Johnson on the basis of detriment to highway safety, flooding, nature and ecology.

Proposal

This is an outline application, with means of part access for approval, and relates to a residential development of up to 30 dwellings at 67 Station Road, Hugglescote.

Consultations

Objections have been received from third parties as well as Hugglescote and Donington Le Heath Parish Council. No objections have been received from statutory consultees.

Planning Policy

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

Conclusion

As the site is within the Limits to Development the principle of the development is acceptable. The key issues are:

- Design, housing mix and impact on the character and appearance of the streetscape;
- Impact on the historic environment;
- Residential amenity;
- Highway safety;
- Ecology;
- Drainage and flood risk; and
- Archaeology.

The report below looks at these details, and Officers conclude that the details are satisfactory. The proposals meets the requirements of relevant NWLDC policies including the adopted Good Design for North West Leicestershire SPD, and the NPPF (2019).

RECOMMENDATION - PERMIT, SUBJECT TO A LEGAL AGREEMENT AND 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.

1. Proposals and Background

Outline planning permission is sought for a residential development of up to 30 dwellings with means of part access for approval at this stage at 67 Station Road, Hugglescote. No. 67 Station Road is a single storey detached dwelling situated on the north-western side of Station Road and is within the Limits to Development. It is intended that the dwellings would be provided on land which currently comprises grassland with the surrounding area comprising residential development to the north-east, east and south and open space/agricultural land, between the settlements of Hugglescote and Donington Le Heath, to the west. Public Right of Way (PROW) N73 passes through the site with the boundaries of the Hugglescote Conservation Area and Grade II listed garden building at no. 77 Station Road being set to the east and north-east.

In order to create the residential development no. 67 Station Road would be demolished with the existing vehicular access into the site being upgraded so as to serve the proposed dwellings. It is anticipated that a mix of 2, 3 and 4 bed properties would be created as part of the development.

A design and access statement, Building for Life 12 (BfL 12) assessment, affordable housing statement, preliminary ecological appraisal, flood risk assessment, heritage statement, Section 106 draft heads of terms, statement of community involvement and travel plan and highways impact assessment have been submitted in support of the application. Following consultation responses a preliminary roost assessment, bat activity survey and management plan for the Local Wildlife Site (LWS) have been submitted and reconsultation undertaken on this information.

The relevant planning history of the site is as follows:

- 91/0554/P - Residential development (outline) - Refused 3rd September 1991.
- 91/0784/P - Residential development (outline) - Refused 26th November 1991; Dismissed at Appeal 29th April 1992.
- 93/0704/P - Erection of one dwelling (outline) - Refused 28th September 1993; Allowed at Appeal 4th February 1994.
- 96/0062/P - Erection of one dwelling (reserved matters) - Approved 13th March 1996.
- 97/0584/P - Use of land as site for two caravans for residential occupation - Refused 4th August 1997; Dismissed at Appeal 17th March 1998.
- 98/01042/MSG - Use of land for the stationing of two residential caravans for occupation by gypsies between 1 October and 30 April each year - Refused 22nd February 1999; Dismissed at Appeal 15th June 1999.

2. Publicity

8 neighbours notified.

Press Notice published Leicester Mercury 13 February 2019.

3. Summary of Consultations and Representations Received

The following summary of representations is provided.

Objection from;

Hugglescote & Donington Le Heath Parish Council on the following grounds:

- As part of the Parish Councils Neighbourhood Plan consultation residents of the Parish outlined that the open fields and green spaces bounded by Ashburton Road, Station Road, The Green and Manor Road should be preserved. This development would compromise this aim with the emerging Neighbourhood Plan seeking to protect such areas.
- Substantial development has already been undertaken within the Parish and this development is on unallocated land and results in unacceptable impacts to amenity, highway safety and loss of green spaces.
- If to be permitted the development should ensure that at least 20% of the housing is affordable, that bungalows are created and that a financial contribution is made towards youth and adult play facilities.

No Objections from;

NWLDC - Environmental Protection.

No Objections, subject to conditions and/or financial contributions, from;

Leicestershire County Council - Archaeology.

Leicestershire County Council - Developer Contributions.

Leicestershire County Council - Ecology.

Leicestershire County Council - Footpaths Officer.

Leicestershire County Council - Highways Authority.

Leicestershire County Council - Lead Local Flood Authority.

National Forest Company.

NWLDC - Affordable Housing Enabler.

NWLDC - Environmental Protection (Contaminated Land).

NWLDC - Conservation Officer.

NWLDC - Urban Designer.

Police Architectural Liaison Officer.

University Hospitals of Leicester NHS Trust.

Third Party Representations

Seven representations have been received objecting to the development with the comments raised summarised as follows:

Sustainability of settlement and impact on services

- The provision of further residential development will impact on the existing services (such as schools and doctors) which are already at capacity.
- The amount of required housing within the area has already been exceeded.

Highway safety

- Vehicles travel in excess of the speed limit on Station Road.
- Current road infrastructure, including the Hugglescote crossroads, cannot accommodate additional vehicular movements.

- The proposed access is not in a position that would enable safe access and exit from the site for the amount of residential properties proposed particularly given its proximity to bends and lack of visibility.
- Existing parking provision at the doctors and school needs to be improved so as to accommodate additional users of these services.
- Potential vehicular link with residential development to the rear of no. 115 Station Road will result in further detriment to highway safety.
- Previous applications on the site have been refused and dismissed at appeal on the basis of highway safety grounds.

Design and integration of development into environment

- The construction of houses behind existing houses and loss of the green spaces results in detriment to the character and appearance of the streetscape and the wider areas as a whole.

Heritage and archaeology

- Intensive archaeological investigations should be undertaken on the site given that the site lies adjacent to the remains of the old Hugglescote Manor, any further discoveries will be of major importance to the local community and the Parish heritage.
- The loss of the site results in detriment to the historic significance of the area given its association with the Donington Le Heath Manor House and medieval field system.
- The proposed Hugglescote and Donington Le Heath Neighbourhood Plan would seek to preclude development on this site given that it forms part of 'Donington Fields'.

Residential amenity

- Provision of residential development will impact adversely on residential amenities due to the scale and position of dwellings causing overbearing, overshadowing and overlooking impacts.

Ecology

- There will be adverse impacts to ecological species as a result of the loss of a greenfield site.
- Appropriate buffer mitigation should be provided to the existing watercourse so as to protect ecological species.
- The enhancement of land around the site has attracted additional flora and fauna which has enriched the ecological significance of the area.

Drainage and Flood Risk

- The application site is subject to frequent saturation by surface water and the run-off results in flooding to the adjacent footpaths which disrupts the use of the footpaths and this development will exacerbate that impact and increase the risks of surface water flooding.
- The land is important for surface water attenuation to the River Sence and therefore should be protected from development.
- Local infrastructure is not sufficient to accommodate the growth which is ongoing in the area, as such significant improvements need to be made to these systems before any further development is allowed.

- The permission relies on mitigations and ongoing maintenance to be subject to conditions but it is considered that these matters should be resolved before a permission is granted.

Other Matters

- There will be a loss of open space.
- I received no direct consultation letter and therefore the determination of the application is not in accordance with relevant legislation.
- The land is designated as one for protection under Policy ENV1 (Protection of Local Green Space) in the draft Hugglescote and Donington Le Heath Neighbourhood Plan given that views from public footpaths N73 and N74 are valued.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2019)

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

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraph 34 (Development contributions);
Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
Paragraphs 54, 55, 56 and 57 (Planning conditions and obligations);
Paragraphs 59, 60, 61, 62, 64, 68, 73, 74 and 76 (Delivering a sufficient supply of homes);
Paragraph 98 (Promoting healthy and safe communities);
Paragraphs 105, 108, 109 and 110 (Promoting sustainable transport);
Paragraphs 117, 118, 122 and 123 (Making effective use of land);
Paragraphs 126, 127 and 130 (Achieving well-designed places);
Paragraph 163 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 170, 175, 178, 179 and 180 (Conserving and enhancing the natural environment);
and
Paragraphs 192, 199 (Conserving and enhancing the historic environment).

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 D1 - Design of New Development;
Policy D2 - Amenity;
Policy H4 - Affordable Housing;
Policy H6 - House Types and Mix;
Policy IF1 - Development and Infrastructure;
Policy IF3 - Open Space, Sport and Recreation Facilities;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En3 - The National Forest;

Policy En6 - Land and Air Quality;
Policy He1 - Conservation and Enhancement of North West Leicestershire's Historic Environment;
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.
Leicestershire Highways Design Guide (Leicestershire County Council).
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

5. Assessment

Principle of Development and Sustainability

The site is located within the Limits to Development where the principle of residential development is considered acceptable subject to compliance with the relevant policies of the adopted Local Plan and other material considerations. Within the NPPF (2019) there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole, or if specific policies in the NPPF indicate development should be restricted.

The sustainability credentials of the scheme would need to be assessed against the NPPF and in this respect Policy S2 of the adopted Local Plan highlights that the Coalville Urban Area, of which Hugglescote is part, is the primary settlement in the District where the largest amount of new development will take place.

On the basis of the above, the application site would be considered a sustainable location for new development due to it benefitting from a range of local services and being readily accessible via public transport, as such future residents would not be heavily reliant on the private car to access the most basic of services.

It is also the case, in accordance with Policy IF2 of the adopted Local Plan, that the level of proposed development (i.e. a major application) is required to mitigate its impact to infrastructure (such as schools and doctors surgeries) by the provision of relevant developer contributions. The 'Developer Contributions' section of this report, below, outlines in more detail the contributions which would be secured, but in brief these would include monetary contributions towards education, civic amenity, libraries, bus passes and improvements to bus stops on Station Road. Affordable housing would also be secured on site and, overall, the securing of such contributions within a Section 106 agreement would ensure that the development is socially sustainable.

The provision of the housing would result in development on a greenfield site which is not allocated in the adopted Local Plan for such a form of development. Whilst the site is not allocated, and greenfield land is not the most sequentially preferred land on which to provide new development, it is noted that it is within the Limits to Development and would be closely associated with a residential development which has outline consent to be constructed to the rear of no. 115 Station Road (ref: 18/01599/OUTM) The retention of planting to the northern and western boundaries would also provide screening of the development with such planting

providing a defensible barrier so to prevent the encroachment of further development into the adjacent areas of open space and the Ashburton Road recreation ground. Overall it is considered that the loss of the greenfield site would not result in significant conflict with the environmental objective enshrined within the NPPF.

Although third parties have commented that the development will result in the loss of open space it is noted that the land is in private ownership and consequently is not accessible to members of the public (particularly given the presence of fencing along the boundaries of Public Right of Way (PROW) N73) in the same manner as the land to the north-west and west of the site which forms woodland planting and the Ashburton Road recreation ground. On this basis there would be no conflict with Policy IF3 of the adopted Local Plan.

It is also the case that whilst the Hugglescote and Donington Le Heath Neighbourhood Plan would seek to protect land known locally as 'Donington Fields', which on the basis of the third party representations would include the application site, this plan is only in draft form with public consultation on the draft Hugglescote and Donington Le Heath Neighbourhood plan by the Parish Council commencing at the beginning of November 2019.

Paragraph 48 of the NPPF outlines that Local Planning Authorities may give weight to relevant policies in emerging plans according to: *"(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."* Paragraph 50 of the NPPF also outlines that *"refusal of planning applications on grounds of prematurity will seldom be justified where, in the case of a neighbourhood plan, before the end of the local planning authority publicity period on the draft plan."*

Taking into account the context of criteria (a) and (b) of Paragraph 48 and Paragraph 50 of the NPPF it is considered that little weight could be given to the draft Hugglescote and Donington Le Heath Neighbourhood plan in the determination of the application, given that it has not been tested and may be subject to change following consultation, and consequently there is no justification to refuse the application on the basis of any potential conflict with the draft Hugglescote and Donington Le Heath Neighbourhood plan.

Overall there would be no substantial harm to the built and natural environment, with any harm being outweighed by the economic benefits associated with the construction of the dwellings and the positive social sustainability aspects of the scheme. As a result the proposal is considered sustainable in accordance with Policy S2 of the adopted Local Plan and the core objectives of the NPPF.

It is also the case that the housing figures for the District are only minimum figures, not maximum figures, and consequently the provision of housing in appropriate locations (i.e. within the Limits to Development and within appropriate settlements as outlined in Policy S2 of the adopted Local Plan) will remain acceptable in principle.

Design, Density, Housing Mix and Impact on the Character and Appearance of the Streetscape

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 124 and 127 of the NPPF.

At present the application site comprises residential garden and grassland associated with no. 67 Station Road with land levels which fall from north to south and from west to east. Station Road is characterised by a mixture of dwellings with a more concentrated pattern of development to the north of no. 99 Station Road and a looser pattern to the south of this property. To the west is recreational land and open space.

It is noted that layout, scale, appearance, internal access and landscaping are included as matters to be considered at a later stage with only part access being approved at this stage. Station Road is a principle highway through the settlement of Hugglescote and whilst, to the north-east of the site, properties predominately follow a relatively uniform building line and are orientated to address the highway, the pattern of development at the point where the vehicular access would be provided lacks consistency with there being greater separation distance between dwellings and the highway. It is also the case that Brookside Park (to the south-east) and the granting of outline permission for dwellings to the west of no. 115 Station Road (ref: 18/01599/OUTM) result in development which extends away from Station Road. Whilst the proposed development would extend development further in a western direction than that which is established, it is considered that any impact to the character and appearance of the streetscape and wider area would not be sufficiently detrimental as to warrant a refusal of the application given the integration it would have with residential properties and residential estates that are consistent with the character of the area.

The Council's Urban Designer reviewed the indicative layout originally submitted and outlined that the layout should seek to address the following matters:

- Ensure any dwelling proposed at the site frontage is pivoted to address views into the site when approaching from the north and enable active surveillance of Public Right of Way (PROW) N73;
- Ensure that the route of PROW N73 is as open as possible so as to ensure active surveillance of this route;
- Integrate the water course as a key distinctive feature of the scheme;
- Address the vista along PROW N72 where it meets PROW N73 given that existing trees prevent views of St Johns Church on Grange Road being established;
- Provide a connection to PROW N72;
- Improve the relationship between buildings and the adjacent open space;
- Ensure that future connectivity is safeguarded; and
- Retain the hedge along the eastern boundary outside of residential gardens.

Following subsequent discussions between the applicant and the Council's Urban Designer an amended parameters plan has been submitted to outline how any development brought forward at the reserved matters stage(s), should outline permission be granted, would address these matters and the Council's Urban Designer has commented that such an approach would be acceptable. On the basis that only part access is for approval at this stage the scheme is not sufficiently advanced to be fully assessed against Building for Life 12 (BfL 12) and therefore a further BfL 12 assessment would need to accompany a reserved matters application to demonstrate how the development would accord with the principles of this guidance. This would be secured by a condition on any consent granted with a note to the applicant advising that the annotations on the submitted parameters plan should be reflected in any layout, scale and appearance of development brought forward.

In terms of the appearance and scale of the dwellings these would be agreed at the reserved matters stage and, at this point, an appropriate design could be achieved which would accord

with the Council's current design agenda by providing a scheme which responds to the positive characteristics of dwellings within the area.

PROW N73 passes through the southern part of the application site with PROW N72 being set to the north-west of the site, connecting into PROW N73, and PROW N74 being set to the north. Whilst the provision of a residential development would alter the nature of the view established from PROW N73 it is considered that the development would not obstruct features of significance in the wider landscape, due to the presence of mature trees to the boundaries limiting views, with existing residential development on Station Road being visible in views in an eastern, north-eastern and south-eastern direction from these PROW's. In this context the development would not adversely impact on people's enjoyment of the PROW's and consequently the proposal is acceptable in relation to Paragraph 98 of the NPPF.

Overall it is considered that a layout, appearance and scale of development could be provided at the reserved matters stage which would be consistent with the aims of Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD and Paragraphs 124 and 127 of the NPPF.

Housing Mix

With regards to housing mix, Policy H6 of the adopted Local Plan outlines that a mix of housing types, sizes and tenures is expected on residential developments proposing 10 dwellings. When determining an appropriate housing mix the information contained within the Housing and Economic Development Needs Assessment (HEDNA) is one of the factors to take into account alongside other criteria as outlined in Part (2) of Policy H6. The range of dwelling sizes (in terms of number of bedrooms) identified as appropriate in the HEDNA are as follows:

- 1 bed - 0-10% (Market) and 30-35% (Affordable);
- 2 bed - 39-40% (Market) and 35-40% (Affordable);
- 3 bed - 45-55% (Market) and 25-30% (Affordable); and
- 4 bed - 10-20% (Market) and 5-10% (Affordable).

It is proposed that up to 30 dwellings could be created on the site with the suggested mix (which does not distinguish between the market and affordable types) being as follows (%):

- 1 bed - 0%;
- 2 bed - 26.67%;
- 3 bed - 63.33%; and
- 4 bed - 10%.

Although this mix would be weighted towards a 'mid-range' size of property (3 bed) the supporting documentation does outline that the above mix is only indicative and that the applicant would be willing to review such a mix under any subsequent reserved matters application. It is noted that the means of securing a suitable mix of dwellings is a matter to be addressed at the outline stage rather than during the consideration of any subsequent reserved matters application, due to housing mix in itself not being a reserved matter, and as such a condition would be imposed on any outline permission granted so as to ensure an appropriate mix of dwellings is provided as part of any subsequent reserved matters application(s). This approach would ensure that a suitable mix of market and affordable properties are provided in accordance with Policies H4 and H6 of the adopted Local Plan.

As the proposed number of dwellings is below 50 there is no requirement for the development to provide bungalows, or suitable properties for the elderly, in the context of criterion (3)(a) of

Policy H6 of the adopted Local Plan. Whilst this is the case the applicant has identified that they would be willing to provide bungalows given that this was a key requirement of Hugglescote and Donington Le Heath Parish Council when the proposed development was presented at a public consultation event, and which has been reiterated in their consultation response. A note to the applicant would be imposed on any permission granted to ensure that appropriate consideration is given to this matter when any subsequent reserved matters application(s) are submitted given that the imposition of a condition would not be justified on the basis that the provision of bungalows is not necessary to make the development acceptable in Policy terms.

Impact on the Historic Environment

Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Local Planning Authority, when considering whether or not to grant planning permission for development which affects a listed building or its setting, as well as a Conservation Area, to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest that the building may possess, and to the desirability of preserving or enhancing the character or appearance of that area. Such an approach is also supported by Paragraphs 192, 193, 194, 196 and 200 of the NPPF.

In terms of heritage assets the application sites lies to the west and south-west of the Hugglescote Conservation Area with a Grade II listed garden building at no. 77 Station Road being set to the east. Therefore the impact of the development on the fabric and setting of these heritage assets should be given special regard by the 1990 Act.

In commenting on the scheme as originally submitted the Council's Conservation Officer raised concerns over the density of the development given that whilst such a density would be consistent with the 'Hugglescote Village' Conservation Area (where development is dense and uniform) it would not reflect the character established between 65 and 93 Station Road where development is less dense and dwellings are laid out irregularly. Concern was also expressed that the development would result in the loss of a red brick outbuilding which would harm the setting of the Grade II listed garden building at no. 77 Station Road which was formerly an outbuilding to Hugglescote Manor.

Following further discussions a revised parameters plan has been submitted which indicates that any development brought forward at the reserved matters stage would seek to provide for a looser form of development at the south-eastern end of the site, so as to reflect the character between nos. 65 and 93 Station Road, and then more concentrated development at the north-western end of the site which would be better related to the Hugglescote Conservation Area. The red brick outbuilding on the site would also be retained although the future use of this building would be matter to be determined at the reserved matters stage(s). The Council's Conservation Officer has outlined that they have no objections to this approach.

Overall it is considered, at this outline stage, that the approach to development would preserve the setting of the conservation area, given the separation distance and intervening development to be created to the rear of no. 115 Station Road, as well as the setting of the Grade II listed garden building at no. 77 Station Road due to the looser form of development reflecting the character of development which surrounds this heritage asset. On this basis the Council's Conservation Officer has concluded that the proposed development would result in no harm to the significance of the identified heritage assets and as no harm would arise an assessment in the context of Paragraph 196 of the NPPF would not be required.

Overall the proposed development would be acceptable and accords with Policy He1 of the adopted Local Plan, Paragraphs 192, 193, 194 and 196 of the NPPF and Sections 66 and 72 of

the Planning (Listed Buildings and Conservation Areas) Act 1990.

Accessibility

The County Highways Authority (CHA) have been consulted on the application and following consideration of the Leicestershire Highways Design Guide (LHDG) they have raised no objections subject to the imposition of conditions on any permission granted.

All matters are reserved for subsequent approval except for part access. The point of access shown on the submitted plan would be provided within the south-eastern site boundary and would involve the upgrading of the existing access so that it would have a width of 4.8 metres with 6 metre kerb radii and 2 metre wide footways. Such an access would be compliant with the LHDG. Vehicular visibility splays of 2.4 metres by 43 metres would also be provided at the site access, in both directions, which again would be compliant with the LHDG and compatible with the measured speeds of vehicles on Station Road at the point of the access.

Pedestrian visibility splays of 1 metre by 1 metre would also be provided with the footways being able to tie into the existing footway on Station Road.

The CHA have also determined that given the quantum of development proposed no assessment of the implications of additional vehicular movements on the highway network would be required.

The ability for vehicles to manoeuvre within the site so as to exit in a forward direction would be a matter to be addressed at the reserved matters stage(s) once a layout was progressed.

Whilst acknowledging the concerns raised by third parties and the Parish Council associated with the additional vehicular movements on highways within the settlement, as well as the suitability of the levels of visibility at the site access due to parked vehicles causing detriment to pedestrian and highway safety, such concerns are not shared by the CHA. The CHA have also advised that it is necessary for the application to be assessed on current guidance within the NPPF, adopted Local Plan and LHDG which has changed significantly the consideration of previous applications on the site, and as such there is not a sustainable reason to refuse the application on highway safety grounds in light of its compliance with current guidance as outlined above.

Paragraph 109 of the NPPF outlines that development should only be *"prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."* In the absence of an objection from the CHA it is concluded that the proposed development would not have an unacceptable impact on highway safety nor would the cumulative impacts of development be severe. As such the proposal would accord with Policy IF4 of the adopted Local Plan as well as Paragraphs 108, 109 and 110 of the NPPF.

In terms of the third party comment received in respect of the development providing vehicular access through the site with outline consent to the rear of no. 115 Station Road (ref: 18/01599/OUTM) it is considered that the internal highway layout would be a matter to be assessed at the reserved matters stage(s) and consequently if vehicular access was to be provided through the adjacent site then it would be the responsibility of the CHA to comment on the appropriateness of this arrangement at that time.

The specific off-street parking arrangements for each individual property would be assessed and addressed following the submission of any subsequent reserved matters application, given

that this would be dependent on the total amount of bedrooms within a particular dwelling, as required by the Council's adopted Good Design SPD and the LHDG. As a consequence of this the particular requirements of Policy IF7 of the adopted Local Plan and Paragraph 105 of the NPPF would be satisfied at that time.

Public Right of Way (PROW) N73 passes thorough the southern part of the site and the submitted parameters plan indicates that the route of PROW N73 would not be altered or diverted as a result of the development. As part of the consideration of the application the County Council Footpaths Officer has commented that they have no objections to the application subject to the imposition of a condition which would seek to agree a suitable scheme of surfacing for PROW N73. The County Council Footpaths Officer has also commented that the formation of a link onto PROW N74, set to the north, would be welcomed but that such a link should be extended to enable connectivity into PROW N76 which is already a surfaced path and provides all-weather access to services and Hugglescote Community Primary School. It is considered that any future connectivity into PROW's outside the site would be a matter to be addressed at the reserved matters stage(s) when a formal layout is submitted. Overall the proposal would not impact on the safe usage of PROW N73, with enhancements to this PROW being secured via condition, and as a consequence the development would be compliant with Paragraph 98 of the NPPF.

Neighbours and Future Occupants Amenities

The site borders with residential properties on Station Road to its eastern and southern boundaries with the closest residential dwellings being nos. 65, 75 and 77 Station Road.

The impact on neighbouring occupiers arising from the proposed dwellings would need to be assessed at the reserved matters stage(s) once the layout, appearance and scale of the dwellings was known. Notwithstanding the details shown on the parameters plan there would appear to be no reason in principle why a residential development could not be provided on the site in a manner which would not adversely impact upon amenities of the occupants of adjoining residential properties.

In establishing an acceptable relationship with existing residential properties at the reserved matters stage, it could also be ensured that the amenities of any future occupants of the proposed dwellings are adequately protected.

The potential for noise to be generated by vehicular movements along an access road between nos. 65 and 75 Station Road, as well as to the rear of existing dwellings on Station Road, would also be a matter to be assessed at the reserved matters stage(s) when an internal access road is put forward for consideration. It is, however, noted that at this stage the Council's Environmental Protection Team have raised no objections to the application in this respect and due regard would have to be given to the fact that the level of noise generated by existing vehicular movements on Station Road would be more substantial than those which would be associated with the proposed development.

Overall the means of part access is considered to be compliant with Policy D2 of the adopted Local Plan as well as Paragraph 180 of the NPPF.

Landscaping

Existing landscaping on the site is mainly confined to the boundaries of the site in the form of trees and hedgerows and the County Council Ecologist has commented, amongst other things, that the development should be designed so as to enable retention of the existing landscaping outside the domestic curtilages of any of the dwellings to be created.

As the layout is not for approval at this stage such a matter would need to be considered in greater detail at the reserved matters stage(s) but it is considered that on the basis that the landscaping is to the boundaries it would appear possible to provide a layout which would enable the retention of the existing landscaping with its retention (in particular tree retention) being strongly encouraged given the National Forest setting of the development. There is no other soft landscaping within the site itself which would act as a constraint to the development with it also being possible to secure additional soft landscaping as part of any subsequent reserved matters application, should outline consent be granted.

Hard landscaping on the site would also be considered under a reserved matters application.

Overall, it is considered that a residential development can be progressed at the reserved matters stage which complies with Policies D1, En1 and En3 of the adopted Local Plan.

Ecology

The County Council Ecologist's original comments on the application outlined that the part of the site to the south of Public Right of Way (PROW) N73 is designated as a Local Wildlife Site (LWS) (Donington Le Heath Grassland 1) and that whilst the indicative information suggested that no development would occur on the LWS the provision of the attenuation pond should not cause the loss of species rich grassland. The species of grassland on the wider site, identified within the ecology survey, were also of such a variety that the wider site could be designated as a LWS but given the sub-optimal period when the ecology survey was undertaken it was necessary for the County Council Ecologist to undertake their own site assessment during the optimum season for a habitat survey. Additional comments also outlined that a bat survey would be required as no. 67 Station Road would be demolished and that any layout should seek to ensure existing hedges are maintained outside of domestic curtilages.

A subsequent site assessment undertaken by the County Council Ecologist, on the 31st May 2019, concluded that the designated LWS still qualified as species rich grassland with the exception of the southernmost point which has become dominated with brambles, therefore the County Council Ecologist advised that this area should be used for any surface water attenuation pond. The area of the wider site currently used as a pony paddock did not qualify as a LWS but the northern most part of the wider site, as well as an area along the eastern site boundary, did contain enough species of grassland to meet the criteria for designation as a LWS. It was, however, noted that this area had been sprayed with herbicides so as to prevent the spread of injurious weeds.

On the basis that the long-term future of the species rich grassland within the northern and eastern parts of the site has been compromised by the spraying of herbicides the County Council Ecologist has concluded that the submission of a management plan (which would require the removal of scrub and bramble back to the hedge line along the western boundary, a hedgerow management scheme, a commitment to annual hay cut with no use of herbicides/fertilisers/pesticides on the LWS in perpetuity and the requirement for the attenuation basin to be of wildlife value) and informal use of this land as public open space would be acceptable. Following receipt of these comments the applicant submitted a Management Proposals Plan, for the long-term maintenance of the LWS, and Construction Method Statement, for the formation of the attenuation pond, and these documents have now been considered by the County Council Ecologist who has concluded that they have no objections subject to the imposition of conditions on any permission granted.

The County Council Ecologist has also confirmed that the bat survey submitted is acceptable with there being no roosting bats within the buildings to be demolished and bat foraging activity being low, consequently there are no objections subject to the recommendations of the report being included as a note to the applicant on any permission granted.

Overall the proposal would be compliant with Policy En1 of the adopted Local Plan, Paragraphs 170 and 175 of the NPPF and Circular 06/05.

Drainage and Flood Risk

The majority of the site lies within Flood Zone 1 (which has the lowest risk of flooding) with only a small part of the southern areas of the application site being within Flood Zones 2 and 3 (the areas adjacent to the River Sence). In terms of surface water flooding the Environment Agency's Surface Water Flood Map outlines that areas of the site are susceptible to low, medium and high risk of surface water flooding with the medium and high risk areas being concentrated in the centre of the site.

A Flood Risk Assessment (FRA) has been submitted in support of the application which has indicated that surface water run-off from the site would be directed to the River Sence. Following consideration of the FRA the Lead Local Flood Authority (LLFA) initially advised that the existing levels in the east of the site would appear too low to enable a gravity solution to the watercourse and that the plan as submitted had not demonstrated that an outfall could be provided within the application site to enable discharge to the River Sence. Following the receipt of land ownership details and a topographical survey the LLFA consider that the above issue has been addressed and as such raise no objections to the application subject to the imposition of conditions in relation to the details of the precise surface water drainage scheme to be provided, the means of mitigating surface water run-off during the construction phase and the management and maintenance of the surface water drainage solution.

Following the deferral of the application at the Planning Committee of the 1st October 2019, which in part was due to flooding incidents on Station Road, the Local Authority has undertaken further discussions with the LLFA to determine that the conditions which they have recommended be imposed on any outline consent granted would seek to ensure that flooding incidents on Station Road would be mitigated. In this respect the LLFA have outlined that best practice dictates that surface water run-off rates are limited to a greenfield runoff rate (i.e. the rate which would occur without development) with betterment to take into account changes in the climate, the conditions would also ensure that surface water is appropriately managed during the construction phase and that the surface water drainage solution is maintained for the lifetime of the development. In the case of the application site the LLFA has also specified that there is an existing surface water flow path across the site with the proposal seeking to enhance the existing ditches on the site to assist in the interception and routing of off-site flows safely around the site with the proposed on-site drainage solution intercepting flows and routing them to the attenuation features where they would be then be discharged at a controlled rate. In this circumstance the currently uncontrolled rates on the application site, and disruption of flows within the ditches (as a result of debris and obstructions within the watercourse), are contributing factors to the flooding incidents which have occurred.

Clarification was also sought from the LLFA in relation to the maintenance and management and control of pollution incidents within watercourses and in this respect the LLFA have responded as follows to the questions below:

Who is responsible for the maintenance of watercourses (in terms of the removal of debris and ensuring the flow of water is maintained)?

- *"The Environment Agency's (EAs) and LLFA's roles are as the regulatory body for any changes to the flow and ensuring continued maintenance on the watercourse. However, in all cases the ownership of the watercourse and main river will fall to the private landowner, who will be responsible for the maintenance. In some cases the EA will carry out maintenance to rivers on behalf of the landowners but the specific cases where this would apply would need to be agreed with the EA."*

If a private land owner does not undertake maintenance works on a watercourse within their ownership despite flooding being caused by the lack of maintenance do the LLFA have enforcement powers to insist that works are carried out so as to alleviate flood risk?

- *"Under the Land Drainage Act 1991 the LLFA have permissive powers to enforce on blockages of ordinary watercourses under sections 24 and 25 if the LLFA find this course of action preferable."*

If there is a pollution incident in a watercourse who is responsible for addressing this pollution matter?

- *"In all cases the EA should investigate pollution directly into watercourse, usually with the input of statutory water utility companies."*

Do the conditions associated with surface water drainage ensure that appropriate measures are in place to prevent pollution to watercourses where the surface water discharges?

- *"That is correct."*

Whilst appreciating the concerns raised in relation to the flooding incidents on Station Road, it is noted that the LLFA have no objections to the development and the conditions that they would wish to be imposed on any permission granted would ensure that the surface water drainage solution to be created would result in betterment to that of the existing uncontrolled runoff rate. Control of surface water during the construction phase would also assist in alleviating any flood risk with it being noted that such a condition has not historically been imposed on the developments which are being undertaken in the area (particularly those on Grange Road). This was on the basis that the LLFA were not the responsible authority at the time these applications were considered. It is also the case that it is not the responsibility of this development to address the inadequacies associated with surface water drainage on neighbouring developments or neighbouring land.

On balance, therefore, the imposition of the conditions would ensure that the proposal would be compliant with Policies Cc2 and Cc3 of the adopted Local Plan as well as Paragraph 163 of the NPPF.

In terms of foul drainage, it is indicated on the application form that this would be discharged to the mains sewer. As part of the consideration of the application the planning agent has provided documentation from STW which advises of two points of foul drainage connection within the vicinity of the site and that a connection to either of these points would be acceptable to STW subject to approval under their processes (such an approval would be considered and determined by STW under separate legislation outside of the planning process).

The District Council has also met with STW in order to better understand the circumstances surrounding the flooding incidents in Station Road from STW assets and in this respect STW

have advised that the primary cause of this flooding was as a result of the ingress of surface water runoff from fields, watercourses and roads around the development sites on Grange Road into the new oversized foul drainage trunk sewer. Consequently the new foul water trunk sewer was acting as a bypass to the brook, where surface water should be discharged, and given that the foul drainage network is not designed to accommodate surface water flows this led to discharge from the network onto Station Road. As a result of these incidents STW have worked with the developers on Grange Road to rectify this situation (which in part is exacerbated by the fact that surface water during the construction phase of these developments is not required to be mitigated given that there is no planning conditions for such details to be agreed - as outlined above), with such measures including the foul water connection on these sites being capped off and the raising of foul water drainage covers so as to prevent the transgression of surface water into the foul drainage network. STW have also been clearing unwanted debris from their downstream system so as to ensure a constant flow rate is maintained (this being completed at around the 28th October 2019).

STW also met with Hugglescote and Donington Le Heath Parish Council (on the 1st November 2019) to alleviate their concerns in relation to the capacity of the foul drainage network and outline the causes behind the flooding incidents on Station Road. In addition, a meeting took place between STW and the LLFA (on the 4th November 2019) to highlight the issues associated with flooding at Grange Road, and from the watercourse, so as to enable the LLFA to investigate these matters and carry out any retrospective actions to alleviate the issues. STW are also content that their current assets are suitable to deal with the proposed loading from growth in the area (the foul drainage trunk sewer being oversized for this particular reason) with the long term plan of STW involving reinforcement to this system.

As far as the District Council is aware, there were no further reports of flooding on Station Road during the more recent significant rainfall events (in the week commencing 11th November 2019) which caused widespread flooding issues elsewhere in the District.

STW have advised that they cannot object to development in the circumstances that it is their responsibility to provide capacity within the foul drainage network to accommodate development. Notwithstanding this, the imposition of a condition requiring the foul drainage solution to be agreed would ensure that STW can give appropriate consideration to the connections and flows which would be proposed so as to ensure that any relevant improvements/upgrades in the system can be undertaken. Subject to the imposition of this condition the proposed development would be considered compliant with Paragraph 180 of the NPPF.

Drainage and Flood Risk Conclusion

In concluding on the matters raised above both of the statutory consultees (LLFA and STW) have raised no objections to the application subject to the imposition of conditions on any permission granted. The imposition of such conditions will enable both the LLFA and STW to ensure that the foul and surface water drainage solutions to be installed meet current guidance in respect of ensuring that flood risk and pollution incidents are not increased and as such the proposal accords with relevant policies within the adopted Local Plan and NPPF.

Archaeology

The County Council Archaeologist has indicated that an appraisal of the Leicestershire and Rutland Historic Environmental Record (HER) notes the proposed site lies adjacent to the historic core settlement of Hugglescote as well as two series of fishponds to the south-east of Hugglescote Manor and to the south-west of Donington Manor. In the circumstances that the application site is relatively undisturbed there is a reasonable likelihood that archaeological

remains are present.

Given the opportunities which exist for archaeological remains to be present on the site, the County Council Archaeologist considers it necessary for conditions to be imposed on any consent for a programme of archaeological work to be carried out, in advance of the development commencing, in order to record and advance the understanding of the significance of any heritage assets. Such conditions are considered reasonable given the archaeological potential of the site and their inclusion ensures compliance with Policy He1 of the adopted Local Plan and Paragraph 199 of the NPPF.

Contaminated Land

The Council's Contaminated Land Officer has reviewed the application and concluded that given the proximity of the site to a known landfill site it would be necessary for conditions to be imposed on any permission granted to secure a Risk Based Land Contamination Assessment and relevant Verification Investigation should remediation be required.

It is considered that the imposition of such conditions are reasonable given the proposed residential development to be undertaken and the need to ensure the health and safety of future occupants of the proposed dwellings. On this basis the proposal would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 178 and 179 of the NPPF.

Developer Contributions

Requests have been made for Section 106 contributions towards education, civic amenity, libraries, transportation, the NHS, the National Forest and affordable housing. These requests have been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations 2010 (CIL Regulations) as well as Policy IF1 of the adopted Local Plan and Paragraphs 34, 54 and 56 of the NPPF.

The CIL Regulations were amended on the 1st September 2019 to remove pooling restrictions.

The requested development contributions are listed below.

Affordable Housing

The Council's Affordable Housing Enabler (AHE) has advised that on a greenfield site within the Greater Coalville area it would be anticipated that 20% of such housing should be affordable in order to comply with Policy H4 of the adopted Local Plan and such provision should be provided on site.

On the basis of the provision of 30 dwellings the Council's AHE outlines that the site would need to deliver one property as an affordable Low Cost Home Ownership (LCHO) product and the remaining five as traditional affordable products.

It is also advised by the Council's AHE that the Housing, Economic and Development Needs Assessment (HEDNA) has indicated that 80% of the affordable proportion of new properties should be rented and 20% as LCHO products. However given that 10% of all the properties will be provided as LCHO, as required by Paragraph 64 of the NPPF, which is roughly equivalent to the 20% of the affordable requirement indicated by the HEDNA, the Council's AHE would expect the five dwellings to be provided as affordable rented properties.

The Section 106 would be worded to outline the level of affordable housing which would be required, with the Council's Affordable Housing Enabler also requiring clauses to be imposed within the legal agreement to ensure that affordable housing is delivered to the council should a

registered provider not make an offer on the affordable housing.

The internal space standards for an affordable house, based on HCA Design and Quality Standards, would also be outlined within the Section 106 agreement.

In the circumstances that the above mechanisms can be secured in the Section 106 agreement, and the applicant is willing to meet these affordable housing requests, the development would be compliant with Policy H4 of the adopted Local Plan and Paragraph 64 of the NPPF.

Education

Based on 30 dwellings Leicestershire County Council (Education) have requested a primary school sector contribution of £131,328.00 for Hugglescote Community Primary School with no requests made for the high, upper or special schools sectors.

The applicant has confirmed their acceptance to the payment of the education contribution.

Civic Amenity

Based on 30 dwellings Leicestershire County Civic Amenity have requested a contribution of £1,961.00 for improvements to the civic amenity facilities within Coalville which would mitigate the increase use of this facility generated by the proposed development.

Such a contribution would be used either towards new storage containers at the above civic amenity site or improved traffic management of vehicles at the above civic amenity site.

The applicant has confirmed their acceptance to the payment of the civic amenity contribution.

Libraries

Based on 30 dwellings Leicestershire County Library Services have requested a contribution of £900.00 for improved adult stock provision (i.e. books, audio books, newspapers, periodicals for loan and reference use) at Coalville Library on High Street.

The applicant has confirmed their acceptance to the payment of the library contribution.

Transportation Contributions

The County Highway Authority has requested the following developer contributions, required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use.

- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- Two six month bus passes per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services as an alternative to the private car and to establish changes in travel behaviour from first occupation (£360 per pass).
- Raised kerb provision at the two nearest bus stops to support modern bus fleets with low floor capabilities (£3,500 per bus stop).
- Information display cases at the two nearest bus stops (£120 per bus stop).

The applicant has confirmed their acceptance to the payment of the highway contributions.

University Hospitals of Leicester NHS Trust

University Hospitals of Leicester NHS Trust ('The Trust') have requested a contribution of £11,344.00 in order to bridge a gap in the funding created by each potential patient from the development in respect of Accident and Emergency (A&E) and planned care within the Leicester, Leicestershire and Rutland area.

Whilst such a request has been made the evidence to justify the contribution is not robust particularly given that the estimate of the population of the District is in excess of the actual figure, and the calculations do not break down the number of residents of Hugglescote who previously attended A&E departments or received planned care within the administrative area of The Trust. Paragraph 56 of the NPPF outlines the tests which should be met in order for a planning obligation to be sought and, at this time, it is considered that the request of The Trust does not meet all of the criteria identified. It is also the case that NHS revenue shortfalls are a matter to be dealt with through national NHS funding arrangements and through commissioning of services. On this basis the contribution will not be sought.

National Forest

The National Forest Company (NFC) has commented that on the basis of the site area it would be expected that 0.27 hectares should be woodland planting although, at this stage, the parameters plan does not identify where such planting would be accommodated.

Although this is the case the NFC have identified that compliance with Policy En3 of the adopted Local Plan could either be achieved by the provision of 0.27 hectares of woodland planting and landscaping as part of a reserved matters application, the payment of a contribution of £9,450 for the provision of woodland planting off-site or the long-term management of at least 0.27 hectares of existing on-site grasslands of ecological interest.

The applicant has identified that they would seek to provide 0.22 hectares of managed grasslands of ecological interest, this being the area within the southern part of the application site to the west of no. 65 Station Road, with the remaining 0.05 hectares either being provided as an off-site contribution or within the northern part of the application site where a potential footpath link to Public Right of Way (PROW) N74 would be created.

The NFC identified in their consultation response that the applicant's preferred option should be secured within the Section 106 and therefore the provision of the managed grasslands in the southern area of the application site, and either an off-site contribution or further on-site managed grasslands within the northern area of the application site, would be secured within the Section 106.

Play Area/Open Space

Policy IF3 of the adopted Local Plan outlines that on-site play provision and open space, or any off-site contribution, would only be applicable on development proposals of 50 dwellings or more and as such none would be required as part of this proposal.

Whilst noting the request of Hugglescote and Donington Le Heath Parish Council for a financial contribution (£1400 per dwelling) to be provided for the creation of youth and adult play facilities within the immediate area it is outlined above that, in policy terms, a development of this scale would not be required to provide on-site play provision and open space or an off-site contribution. Consequently the request for such a contribution would not meet the tests outlined in Paragraph 56 of the NPPF.

Insofar as the various developer contributions is concerned the view is taken that the proposed

contributions would comply with the relevant policy and legislative tests as set out in the adopted Local Plan, Circular 05/2005, the CIL Regulations and the NPPF.

Other Matters

The comments provided by the Waste Services Development Officer have outlined that any layout progressed at the reserved matters stage, should outline consent be granted, would need to clarify the positioning of bin collection points and the individual bin storage points for dwellings as well as identify which internal roadways would be put forward for adoption to the County Council Highways Authority, given that this would dictate where bin collection points should be accommodated. Relevant notes to the applicant would be imposed on any outline permission granted to make them aware of the requirements of the Council's Waste Services Team and appropriate compliance with these requests would be assessed at the reserved matters stage(s).

The application has been publicised and consulted on in accordance with the requirements of Paragraph 18 of Part 4 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and consequently there has been no breach of legislation in this respect. In any event the occupant of no. 55 Station Road would not be prejudiced by any decision made on the application given that they have submitted a formal representation.

Conclusion

The site is located within the Limits to Development where the principle of residential development is acceptable, with the development also being within a socially sustainable location and not impacting adversely on the environment due to its visual integration with residential properties on Station Road. The proposed means of access would also not result in detriment to highway safety. It is also considered that the site could be developed, at the reserved matters stage, in a manner which would not appear out of keeping with the character and appearance of the surrounding locality, and which would not adversely impact on the amenities of neighbouring residents, heritage assets, highway safety, ecology, archaeology, contaminated land or further exacerbate any localised flooding issues. There are no other material planning considerations that indicate outline planning permission should not be granted and accordingly the proposal, subject to relevant conditions and the completion of a Section 106 agreement, is considered acceptable for the purposes of the above-mentioned policies.

It is therefore recommended that outline planning permission be granted.

RECOMMENDATION - PERMIT, subject to a legal agreement and conditions;

1. Timeframe for reserved matters.
2. Approval of reserved matters details.
3. Approved plans.
4. No more than 30 dwellings to be built.
5. Finished floor and ground levels as part of reserved matters.
6. Building for Life 12 (BfL 12) assessment as part of reserved matters.
7. Housing mix.
8. Access provided.
9. Pedestrian and vehicular visibility splays.
10. Construction traffic management plan.
11. Scheme of treatment works to Public Right of Way N73.
12. Surface water drainage.
13. Foul drainage.
14. Risk based land contamination report.
15. Verification investigation.
16. Retained tree and hedge protection plan during construction.
17. Reserved matters of layout to include retention of Local Wildlife Site (LWS).
18. Management of retained LWS and biodiversity enhancements.
19. Construction method statement for surface water drainage features within LWS.
20. Archaeology.