

**Erection of 164 dwellings with associated car parking,
secondary roads and incidental landscape planting (reserved
matters to outline planning permission ref. 13/00956/OUTM)
Grange Road Hugglescote Leicestershire LE67 2BT**

**Report Item No
A2**

**Application Reference
20/02030/REMM**

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

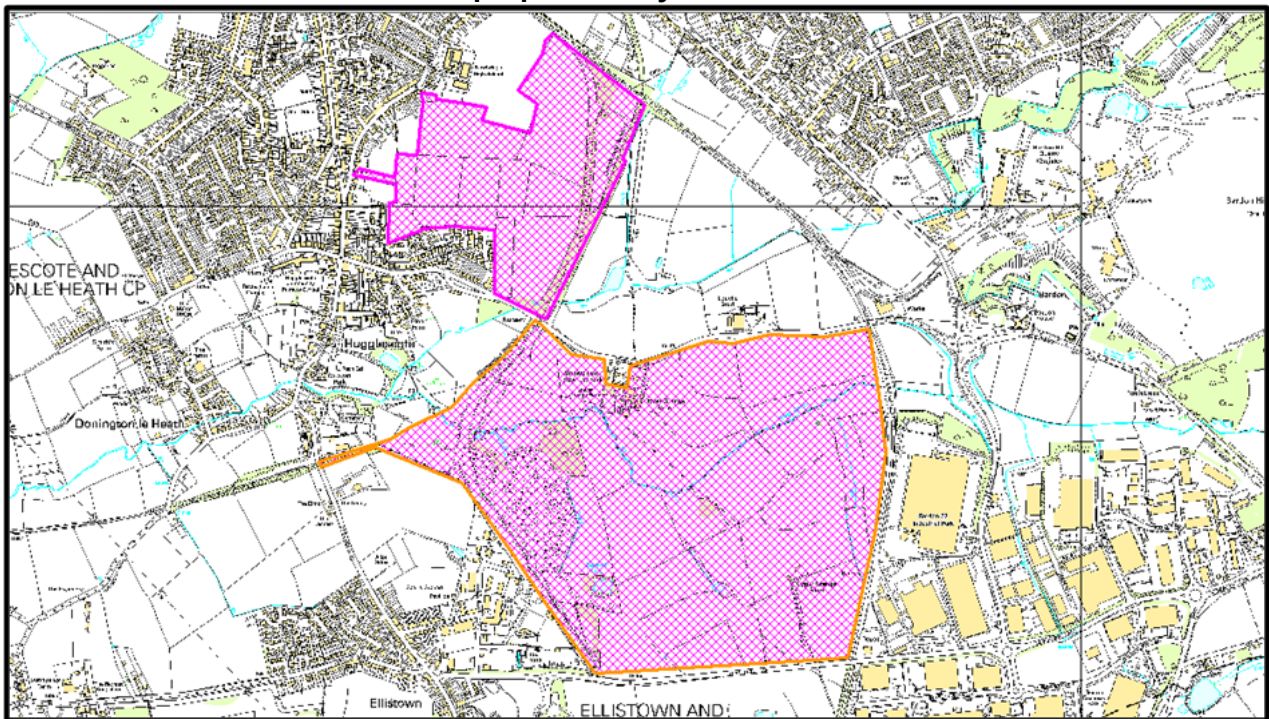
**Date Registered:
6 January 2021
Consultation Expiry:
1 July 2021
8 Week Date:
7 April 2021
Extension of Time:
None Agreed**

**Applicant:
Bellway Homes And Harworth Group PLC**

**Case Officer:
James Knightley**

**Recommendation:
PERMIT subject to S106 Agreement**

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 the erection of 164 dwellings and associated development, forming part of the wider South East Coalville development.

Consultations

Concerns have been raised by Hugglescote and Donington le Heath Parish Council in respect of the proposals; no other objections are raised by statutory consultees.

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 provide for an acceptable standard of design to meet the Local Planning Authority's design objectives.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations to secure the management and maintenance of the unadopted roads and the non-petitioning to the local highway authority for their adoption (or any alternative mechanism as considered appropriate by the District Council's Head of Legal and Support Services), and 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 (following amendment) the erection of 164 dwellings on a parcel of land of approximately 5.5 hectares forming part of the wider South East Coalville development (and identified as Phase A2 of the wider scheme).

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 phases 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, Design Code and a vehicular access strategy.

The phase the subject of this application is located to the southern side of Grange Road and would be accessed via the "Gateway" road (part of the principal route running north-south through the eastern part of that part of the South East Coalville development located to the south of Grange Road, previously been approved under a separate reserved matters application (ref. 19/00747/REMM)). As per the site-wide masterplan, land to the south of the current application phase is identified as public open space (and, as per the access road, already the subject of reserved matters approval ref. 19/00747/REMM).

2. Publicity

No neighbours notified.

Site Notice displayed 15 January 2021.

Press Notice published Leicester Mercury 20 January 2021.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

Statutory Consultees

Hugglescote and Donington le Heath Parish Council raises the following issues:

- Design is compact, houses front on to Grange Road, and is well thought out
- Appropriate speed reduction measures are included within the scheme
- Travel Plan requires updating
- Insufficient affordable housing
- Affordable housing ought to be dispersed throughout the site

- Insufficient bungalows
- Unclear as to how pedestrians will be able to cross Grange Road safely

Leicestershire County Council Lead Local Flood Authority has no objections.

Leicestershire County Council Highway Authority has no objections subject to conditions.

Leicestershire Police - no comments received.

National Forest Company requests use of larger trees within the proposed landscaping scheme (and incorporating a greater proportion of native species), and suggests greater use of timber in the design of the proposed dwellings to reflect the National Forest setting.

North West Leicestershire District Council Strategic Housing team has no objections.

North West Leicestershire District Council Waste Services Team has no objections.

Other Representations

Councillor Johnson expresses concern over the proposed provision of pedestrian access points between the site and Grange Road given the absence of footway on that side of Grange Road.

Other 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 122 and 123 (Making effective use of land)
Paragraphs 124, 127, 128, 129 and 130 (Achieving well-designed places)
Paragraph 165 (Meeting the challenge of climate change, flooding and coastal change)

Adopted North West Leicestershire Local Plan (2021)

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 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

Submission Draft Hugglescote and Donington le Heath Neighbourhood Plan

The six week consultation on the Submission Draft Neighbourhood Plan ended on 23 April 2021. The submission plan and the representations made during the consultation period are currently being assessed by an independent Examiner who will consider whether the plan meets the Basic Conditions.

The site lies within Limits to Development as defined in the emerging Neighbourhood Plan. The draft Neighbourhood Plan policies listed below are considered relevant to this application.

The weight to be attached by the decision maker to this submitted version should be in accordance with the approach set out in Paragraph 48 of the NPPF, having regard to the stage now reached towards adoption, the extent to which there are unresolved objections to the policies relevant to the determination of this application, and the degree to which the emerging policies are consistent with the NPPF. In view of the early stage, only limited weight can be attributed to its policies at this point.

Policy G1 - Limits to Development
Policy G2 - South East Coalville Development Scheme
Policy G3 - Design
Policy H1 - Housing Mix
Policy T1 - Transport Assessment for New Housing Development
Policy T2 - Residential and Public Car Parking

Other Policies

National Planning Practice Guidance.
Good Design for North West Leicestershire Supplementary Planning Document - April 2017.
Leicestershire Highways Design Guide (Leicestershire County Council).

5. Assessment

Principle of Development

The principle of development on this site for residential purposes was established by the grant of the original outline planning permission in 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. 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 (approved) discharge of condition applications, and the submission requirements under Conditions 5, 8, 11, 16, 27, 32 and 33 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 Code is set out in more detail under Urban Form, Design and Site Layout below.

Condition 31: The application is accompanied by a Travel Plan; further assessment is set out under Highway Safety, Transportation and Access Issues below.

Urban Form, Design and Site Layout

The proposed development would provide for a gross density of approximately 30 dwellings per hectare (34 per hectare net). Paragraph 122 of the NPPF requires development to make efficient use of land; the density of the proposed development would, when having regard to the location of the development and the implications of meeting the District Council's design policies, be considered reasonable in this location.

As per previous reserved matters submissions in respect of the wider South East Coalville site, the scheme is intended to be a landscape-led development in accordance with the principles set out in the agreed Design Code for the site as a whole and the landscaping proposed would accord with the street typologies approved under the Code.

During the course of the application, the scheme has been the subject of discussions between officers and the applicant, intended to address a number of concerns raised by officers (including the District Council's Urban Designer) in respect of the originally submitted scheme, including elevational treatment, street typology, space for landscaping, garden sizes and pedestrian connections. Following the submission of various amendments, these concerns are now considered to have been addressed and, subject to the imposition of conditions in respect of various details, the scheme is considered acceptable from a design point of view. In terms of pedestrian connections in particular, it is noted that the scheme includes a north-south vehicle-free link through the parcel, connecting to the open space to the south. Having regard to concerns raised (including by the County Highway Authority and Parish Council), a proposed pedestrian connection to Grange Road has been deleted from the scheme on highway safety grounds, but the link would nevertheless be considered to be of use within the parcel itself, even

if it has not proved possible for it to operate as part of a connection through the wider area. Two other proposed pedestrian links have also been deleted for the same reason, although a link at the north western end of the parcel (towards the recently constructed roundabout) remains.

In terms of housing mix issues, Local Plan Policy H6 requires a mix of housing types, size and tenure to meet the identified needs of the community. Whilst tenure is in effect addressed by the existing Section 106 obligations securing affordable housing (with a minimum 7.5% required) as part of the development, Policy H6 refers to the need to have regard to the most up-to-date Housing and Economic Development Needs Assessment (HEDNA), and sets out the range of dwelling size (in terms of numbers of bedrooms) identified as appropriate in the HEDNA as follows:

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

Following amendment, the submitted scheme proposes the following (%):

<i>Tenure</i>		<i>No. of Bedrooms</i>			
<i>1</i>	<i>2</i>	<i>3</i>	<i>4+</i>		
Market		0	4.6	49.0	46.4
Affordable		23.0	69.2	7.7	-

Insofar as the market housing is concerned, it is noted that the scheme would be more weighted towards larger units than as suggested in the HEDNA although it is acknowledged that Policy H6 indicates that the HEDNA mix is one of a number of criteria to be considered when applying the policy, and that Inspectors' decisions elsewhere in respect of housing mix have indicated that reserved matters applications cannot normally be used to secure a specific mix of house types (i.e. as housing mix is not, in itself, a reserved matter).

Policy H6 also requires a proportion of dwellings suitable for occupation by the elderly (including bungalows) for developments of 50 or more dwellings; two single storey dwellings are included within the proposed development. The policy also requires a proportion of dwellings suitable for occupation or easily adapted for people with disabilities; the applicant confirms that the proposed house types are adaptable in accordance with Part M4(2) of the Building Regulations.

In terms of affordable housing generally, as set out above, the Section 106 agreement requires the provision of a minimum of 7.5% of the proposed dwellings within each phase to be affordable. However, the need to comply with the terms of the Section 106 agreement is not directly relevant to the determination of this reserved matters application (and the precise nature of the proposed affordable contribution within the phase the subject of this application would need to be agreed separately under the provisions of the Section 106 agreement prior to commencement on the phase). Nevertheless, in terms of the affordable provision indicated, it is proposed that 13 of the proposed units (i.e. 7.9%) would be provided, thus ensuring that the development would meet (and slightly exceed) the minimum requirements for the phase.

Insofar as the mix of affordable units is concerned in terms of dwelling size and tenure type, this would also need to be resolved under the provisions of the Section 106 agreement, but the Strategic Housing Team nevertheless confirms that it is content with the location, unit size (in terms of bedroom numbers) and tenure mix of the affordable properties indicated at this time. Whilst it is acknowledged (or the reasons set out above) that the details of the affordable

housing contribution would be a matter for approval under the Section 106 agreement rather than the current reserved matters application, it is nevertheless noted that the proposed affordable units would be grouped together in the south eastern part of the site; by contrast, Local Plan Policy H4 seeks to ensure that affordable units are "integrated" within the design and layout of a development, and the NPPF requires development to contribute towards creating mixed and balanced communities. In this case, however, it is considered that, whilst the affordable units within this phase would be grouped together, when considered in the context of the wider development of which it forms part (where the affordable units would be dispersed amongst all residential phases), the grouping of affordable units in this part of the phase would not be unacceptable.

Insofar as the sustainability credentials of the development are concerned, the application is supported by a Sustainability Statement setting out a range of measures, including in respect of use of sustainably resourced materials, measures to limit pollution and waste during construction works and the inclusion of measures to improve water and energy efficiency. In particular, the proposed dwellings are anticipated to limit water consumption to approximately 100 litres per person per day (compared to a Building Regulations maximum requirement of 125 litres per person per day). In terms of energy efficiency, the Sustainability Statement indicates the following measures will be implemented:

- High levels of insulation in the ground floor, external walls and roof spaces;
- Provision of sufficient glazing provision to the principal living rooms to allow each home to benefit from solar gain;
- Compliance with thermal bridging guidance measures;
- Use of efficient gas condensing boiler will be installed in each property
- Dual zone heating controls with delayed start thermostats;
- Energy efficient lamps used in light fittings;
- Dwellings naturally ventilated using efficient decentralised extract fans; and
- White goods installed in each property or offered to purchasers will have an A+ or A energy efficiency rating.

Under the provisions of the Section 106 obligation entered into at the outline stage, a significant contribution to green infrastructure (including public open space, children's play and National Forest planting) is required to be implemented (within the site as a whole). Insofar as this part of the wider site is concerned, the submitted layout broadly corresponds with the various areas of proposed green infrastructure on the site-wide masterplan, and would be considered to provide a suitable contribution to the network of open space proposed as part of the development's overall landscape-led approach.

Under the provisions of the Section 106 agreement (and associated side agreements), the developer for each phase of this part of the wider development is required to agree the details of those areas of public open space etc. under that agreement prior to occupation of the relevant phase. As such, this is essentially a matter relating to discharge of planning obligations rather than the current reserved matters application. It is also noted that this part of the site is adjacent to proposed public open space to the south. This is proposed to include a new Locally Equipped Area for Play (LEAP), the details of which were the subject of a previously approved reserved matters application (ref. 20/02028/REMM), and which has been amended in accordance with the resolution of the Planning Committee of 13 April 2021 so as to include a rubber surfacing.

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 is a reserved matter for determination as part of this application. The submitted scheme shows the proposed dwellings served from the "Gateway" road linked to Grange Road via a new roundabout (part of the principal route running north-south through the eastern part of that part of the South East Coalville development located to the south of Grange Road)). The Gateway has previously been approved under a separate reserved matters application (ref. 19/00747/REMM), and is not the subject of this reserved matters submission.

In response to the submissions, the County Highway Authority had previously raised issues in respect of proposed "connecting" private drives (i.e. those unadopted drives where access is possible via a proposed adopted road from both ends, of which there are three proposed within the scheme), and the County Highway Authority had suggested that the "through" routes ought to be prevented by use of physical features (e.g. gates / bollards etc.).

It is understood the County Highway Authority's concerns in respect of such connecting private drives relates to the potential for future requests to adopt such routes rather than any specific planning-related (e.g. highway safety) reason, and hence no objections are raised to the planning application. The issue of whether or not the Local Highway Authority would wish to adopt the estate roads is not considered to be directly relevant to planning merits, and any request to adopt the roads under Section 38 of the Highways Act 1980 would need to be pursued by the developer separately with the County Council in the usual way. Elsewhere in the District where similar concerns have arisen, it is understood that developers have (in conjunction with the Section 38 process) entered into separate covenants with Leicestershire County Council so as to ensure that future residents will not be able to petition the County Council to adopt private drives; it is understood that the applicant would be content to enter into such an undertaking to the County Council in this instance.

In raising no objections, the County Highway Authority notes that the private drives in question do not accord with standards for adoption within the Leicestershire Highway Design Guide. In the event that the County Council did not adopt the wider estate roads (for whatever reason), it would be open to the developer to retain them as private roads; as per other situations elsewhere in the District where this has arisen, it is considered that it would be necessary to ensure that measures were put in place (e.g. by way of a Section 106 obligation) to ensure that any privately-maintained roads were to remain available for all users at all times in the same way as an adopted road would.

In terms of highway safety issues, the County Highway Authority considers that an additional speed control feature would be required towards the eastern end of the main east-west route through the site; it is considered that this could be addressed by way of a condition. As set out above, proposed pedestrian connections to Grange Road to the north have been deleted from the scheme, but a connection (linking to footway at the roundabout) would remain (and to which no objections are raised by the County Council).

As set out above, (and as per the requirements of Condition 31 of the outline planning permission) the application is accompanied by a Travel Plan relating to this phase of the wider scheme, and which sets out a range of measures designed to reduce reliance on single occupancy vehicle trips (and in accordance generally with the Framework Travel Plan for the site as a whole forming part of the outline application submissions). This site-specific Travel Plan has been assessed by the County Highway Authority and, following amendments made to the document to address issues raised by the County Highway Authority, no objections are

raised.

Overall in respect of highway safety, transportation and access issues, therefore, the scheme is considered acceptable.

Residential Amenity

There are no existing neighbours considered to be materially affected by the proposals; insofar as future residents of the proposed development are concerned, the proposed layout is considered to include appropriate relationships between the new dwellings, and has been amended to address officer concerns over garden sizes, providing for an acceptable level of amenity, and complying with the relevant Local Plan and SPD policies.

Other Matters

Whilst a matter controlled under the outline planning permission, the Lead Local Flood Authority (LLFA) had queried the accessibility of associated surface water drainage features for maintenance purposes; following the submission of supplementary information, however, the LLFA is now content with the proposals in this regard.

Conclusion

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 previously raised design and highway safety concerns are considered to have been addressed to an acceptable degree. It is therefore recommended that reserved matters approval be granted.

RECOMMENDATION- PERMIT, subject to Section 106 Obligations to secure the management and maintenance of the unadopted roads and the non-petitioning to the local highway authority for their adoption (or any alternative mechanism as considered appropriate by the District Council's Head of Legal and Support Services), and subject to the following conditions:

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping (including future maintenance and management)
- 4 Hard surfacing (including provision of transition strips to proposed roads)
- 5 Materials
- 6 Boundary treatment (including precise alignment of proposed dwelling boundary features adjacent to public realm)
- 7 Tree / hedgerow protection

- 8 Levels
- 9 Pedestrian and cycle connections
- 10 Car parking
- 11 External lighting
- 12 Windows, doors, rainwater goods, utility boxes, chimneys, eaves and verges
- 13 Windows to car parking areas
- 14 Bin / recycling storage and collection points
- 15 Street name plates
- 16 Retaining walls / structures
- 17 Provision of signage in respect of unadopted roads / drives intended for public use
- 18 Access visibility splays
- 19 Site Specific Travel Plan
- 20 Measures to prevent drainage of surface water into the public highway