

Erection of 400 dwellings (Reserved Matters to Outline
Planning Permission 16/01200/VCUM)

Report Item No
A2

Land North Of Standard Hill And West Of Highfield Street
Hugglescote Coalville Leicestershire

Application Reference
18/00707/REMM

Grid Reference (E) 441903
Grid Reference (N) 313425

Date Registered:
18 April 2018
Consultation Expiry:
7 February 2022
8 Week Date:
18 July 2018

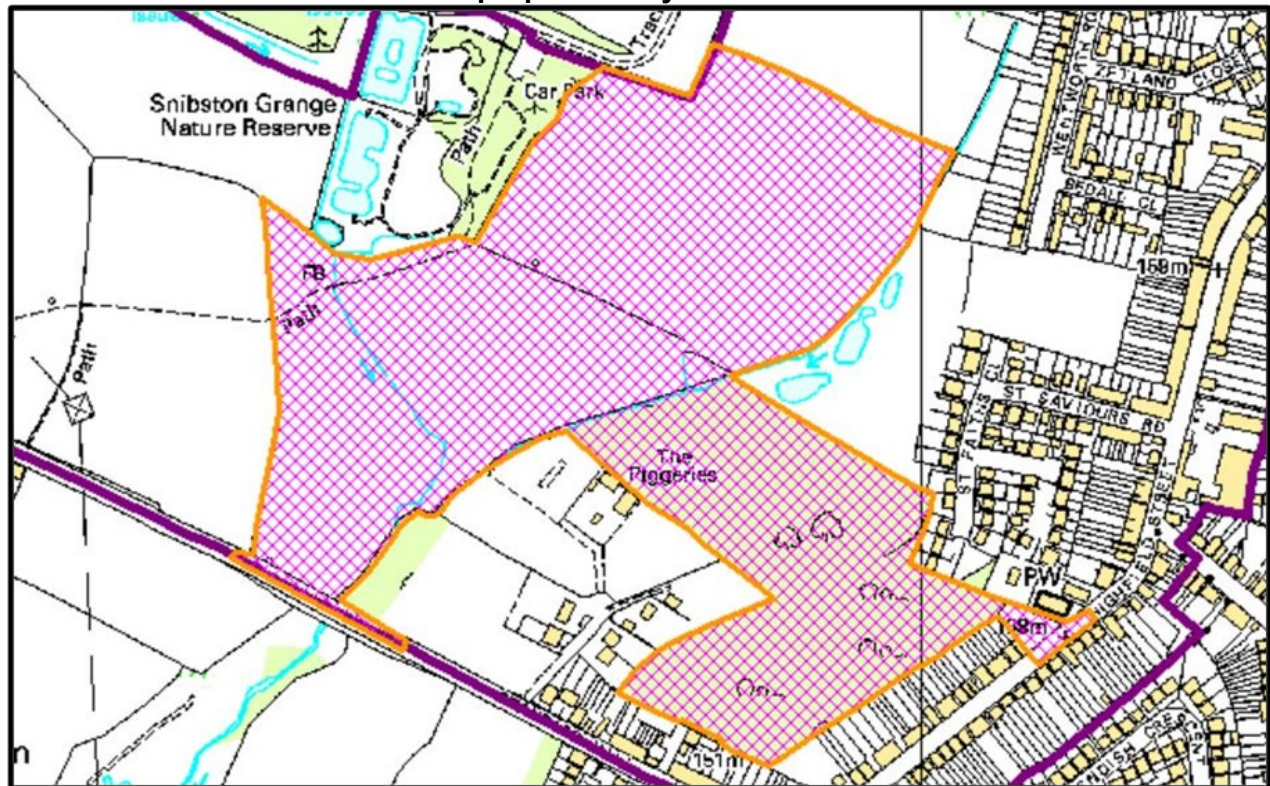
Applicant:
Mr Rob Thorley

Extension of Time:
28 February 2022

Case Officer:
James Knightley

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is referred to the Planning Committee for determination at the request of Councillor Geary.

Proposal

This is a reserved matters application for the erection of 400 dwellings and associated development.

Consultations

Concerns have been raised by Hugglescote and Donington le Heath Parish Council and the National Forest Company in respect of the proposals, and objections have been raised by a number of third parties.

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 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 the erection of 400 dwellings on a site of approximately 19.7 hectares. The application seeks reserved matters approval for the matters of access (insofar as they are relevant, and as set out in more detail below), appearance, landscaping, layout and scale.

The original outline planning permission (ref. 12/00007/OUTM) was determined at the Planning Committee in August 2013 and issued in April 2015 following completion of a Section 106 obligation. A subsequent Section 73 permission was issued in March 2017, principally amending the trigger points for approval of details secured under condition on the outline planning permission and also making minor updates to the access plans to reflect those agreed under the separate Section 278 adoption process with the County Highway Authority (ref. 16/01200/VCUM), and it is this updated outline planning permission under which the current reserved matters application is submitted.

The outline permission included details of the proposed vehicular accesses from Standard Hill and Highfield Street. The approved schemes show the provision of priority junctions to both access points, and with a ghost island included on the Standard Hill access. The Highfield Street access is limited to serving a maximum of 100 dwellings. In effect, therefore, the "access" element of the reserved matters application to be determined is limited to routes through and within the site, and non-vehicular routes into and out of it. Issues in respect of the vehicular accesses into and out of the site are not relevant, nor are the implications on the local highway network beyond the site itself.

In addition to the outline planning permission (and subsequent Section 73 outline permission), the site has the benefit of a reserved matters approval relating to the site accesses (i.e. which approved the appearance, landscaping, layout and scale) for those sections of the site as a whole in the vicinity of the approved Standard Hill and Highfield Street junctions (ref. 16/01198/REMM, approved at the Planning Committee in December 2016).

Development has previously commenced on the site in accordance with the outline planning permission and site access area reserved matters approval (and has previously been confirmed as such by way of the issuing of a Certificate of Lawful Existing Development, issued in May 2017 (ref. 17/00514/CLE)).

2. Publicity

418 neighbours notified.

Site Notice displayed 11 December 2020.

Press Notice published Leicester Mercury 16 May 2018.

3. Summary of Consultations and Representations Received

Hugglescote and Donington le Heath Parish Council (neighbouring Parish) comments as follows:

- Scheme should be amended to ensure that rear access to additional properties on Highfield Street can be provided
- Proposed rear access service road should be a continuous route
- Measures should be considered to restrict car parking on the rear access service road
- Notes that protected trees are proposed to be removed

Leicestershire County Council Ecology has no objections

Leicestershire County Council Lead Local Flood Authority has no objections

Leicestershire County Council Highway Authority has no objections subject to conditions

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

Leicestershire Police makes several recommendations in respect of reducing the opportunities for crime

National Forest Company considers that additional woodland planting be provided, queries the proposed pumping station, and requests further details in respect of the proposed landscaping and tree protection

North West Leicestershire District Council Strategic Housing team has no objections

North West Leicestershire District Council Waste Services Team - no comments received in respect of the amended scheme

Third Party Representations

58 representations (and including from the Snibston Heritage Trust) have been received, raising the following issues:

Principle of Development

- New housing not required
- Development should be on previously-developed sites
- Loss of countryside
- Insufficient infrastructure (including in respect of transportation, education, healthcare, leisure, waste/recycling and retail)

Highways and Transportation Issues

- Increased traffic/congestion on Highfield Street and the surrounding highway network
- Loss of on-street car parking
- Adverse impacts on highway safety (including pedestrians)
- Increased risk of damage to parked vehicles
- No pedestrian connection should be provided to adjacent private road
- Rear access and parking / garages should be provided to Highfield Street properties

Amenity Issues

- Flats not appropriate adjacent to existing dwellings
- Loss of privacy
- Impact of neighbour's existing trees on future occupiers

Environmental issues

- Pollution
- Noise
- Impact on ecology/habitats/biodiversity
- Up-to-date ecological information should be provided
- Loss of trees (including those protected by TPO and those within Snibston Nature Reserve)
- Light pollution
- Flooding / surface water run-off

Other Matters

- Loss of property value
- Loss of view
- Potential damage to adjacent property
- Affordable housing should be distributed throughout the site
- Appropriate diversion of rights of way should be provided during construction works

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2021)

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, 55 and 56 (Decision-making)
Paragraphs 108, 110, 111 and 112 (Promoting sustainable transport)
Paragraphs 124 (Making effective use of land)
Paragraphs 126, 130, 131, 133 and 134 (Achieving well-designed places)
Paragraph 169 (Meeting the challenge of climate change, flooding and coastal change)

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

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 H1d). 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

Other Policies

Good Design for North West Leicestershire SPD

Leicestershire Highway Design Guide

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 April 2015 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). This included Condition 5 which required the first reserved matters application to include details of density parameters and scale together with a phasing plan; this has previously been submitted under an earlier reserved matters submission.

In addition, there is a requirement under Condition 27 that all reserved matters applications in respect of dwellings provide details of the proposed dwellings' anticipated level of achievement in respect of criteria/sub-categories contained within the Code for Sustainable Homes (CSH). In respect of this condition, the applicants advise that specific design criteria associated with CSH are not proposed to be applied following the withdrawal of the CSH system nationally. Nevertheless, the applicants confirm that the proposals would still accord with strict environmental design criteria, with the majority of these being enforced via the latest Building Regulations. They advise that they are committed to delivering high-quality residential properties and will work to ensure the highest standards are met in relation to environmental, thermal and aesthetic performance.

Urban Form, Design and Site Layout

The proposed development would provide for a total of 400 dwellings, equating to a density of approximately 20.3 dwellings per hectare. When taking into account the proposed extent of public open space (approx. 6.2 hectares), the equivalent density would equate to approximately 29.6 dwellings per hectare. Paragraph 124 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.

Local Plan Policy D1 and the District Council's Good Design for North West Leicestershire SPD set out the Council's requirements in respect of design; Policy D1 provides that new residential development will need to perform positively against Building for Life 12 (which has, in effect been superseded by Building for a Healthy Life).

The scheme is intended to be a landscape-led development and, in accordance with the principles indicated at the outline stage, would provide for significant areas of public open space throughout the site. This includes an area towards the north western edge of the site, adjacent to the Snibston estate/Country Park, and including the route of an existing public right of way.

During the course of the application, the scheme has been the subject of discussions between officers and the applicants, 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, connections to adjacent land, legibility, frontage landscaping and the creation of character areas; the majority of these concerns have been addressed to the Urban Designer's satisfaction. One remaining area that the Urban Designer considers still needs to be resolved is in respect of the configuration of two corner plots (Plots 286 and 287) in the south western portion of the site. The layout as proposed would, it is considered, create a somewhat awkward relationship to the new street scene, and with one of the plots sited at an oblique angle to the street it faces onto. As such, further (minor) alterations are considered necessary in respect of these two plots, and a condition is therefore recommended below (in the event that any further discussions held subsequent to any resolution to permit do not resolve the matter fully).

In terms of connections, officers have sought to encourage the provision of pedestrian and/or cycle links so as to maximise the opportunities for sustainable travel. To the south of the site, the applicants have designed the scheme so as to enable a future connection to be formed to "Private Road" (one of two cul-de-sacs so identified and served from Standard Hill). Whilst such a link would provide for a useful connection between the site and Standard Hill (including to the convenience store at the junction of Private Road and Standard Hill), it is understood that, at the present time, the owners of this route are not agreeable to a link being formed. However, the submitted scheme shows the retention of a space such that, should the opportunity arise in the future, a pedestrian connection would (physically) be achievable.

The site also abuts another housing site currently under construction (land at Wentworth Road/Jackson Street, Coalville). That scheme is required to form a pedestrian link through its public open space up to the site boundary under the provisions of its planning permission (at the eastern end of the common boundary). As the current Highfield Street/Standard Hill scheme has developed, it is proposed by the Highfield Street/Standard Hill developers to provide a more central link (as this would be in a more logical location, given the site layout now proposed). Whilst this would still enable a connection to be made into the proposed Wentworth Road/Jackson Street public open space, there would be no obligation on the Wentworth Road/Jackson Street developers to surface the link in this alternative location. Officers have sought to engage with the Wentworth Road/Jackson Street developers on this point and, it is understood, the Highfield Street/Standard Hill developers have also sought to do this, but no response has been received. Whilst, given the Highfield Street/Standard Hill layout as now proposed, the more central link would be the more logical one, the proposed Highfield Street/Standard Hill layout would nevertheless not preclude formation of a link to the eastern end so as to tie in with the approved Wentworth Road/Jackson Street one. Based on the current position, it is officers' view that both links could be secured albeit the central one could only be

required to be surfaced up to the common boundary (i.e. leaving a gap of approx. 9m between the boundary and the approved Wentworth Road/Jackson Street path (when taking into account the extent of land included within the current application's outline planning permission site location plan)). It is recommended that this matter be addressed by way of condition, however, to enable dialogue to be undertaken between the respective developers; the applicants are agreeable to this approach subject to the trigger point for implementation of such a link to connect to the adjacent development's pedestrian footway being of a nature so as to enable the development to commence and progress to a reasonable extent pending the resolution of this matter. Should agreement be reached to ensure the central link could be surfaced for its full length, it is considered that there would be no need to retain the eastern one.

Links have also been encouraged with a proposed residential development site to the south west (land at Jack's Ices, Standard Hill). Whilst the developer advises that a connection to the north eastern side of the Jack's Ices site would not be feasible due to likely levels, a connection to the common boundary on the north western side of the Jack's Ices site is indicated. In order to serve a useful purpose this link would need to connect to the residential development element of that site, located to the opposite side of a watercourse located on the Jack's Ices side of the site boundary. However, it would be considered reasonable to impose conditions requiring installation of the link insofar as it relates to that part of the connection falling within the Highfield Street/Standard Hill site.

Overall in terms of design, subject to the imposition of conditions as set out in the recommendation below, it is considered that the proposals would represent an appropriate form of development, performing well against Building for a Healthy Life and the requirements set out in Local Plan Policy D1 and the District Council's Good Design for North West Leicestershire SPD.

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.

Under the provisions of the Section 106 previously entered into in respect of the outline planning permission, a minimum of 11% of the proposed dwellings are required to be provided as affordable housing. In this case, however, the site is intended to be undertaken by two developers, one of whom is a Registered Provider (RP). As a result, an increased proportion of affordable units over and above that required under the Section 106 agreement is intended to be provided; the proportion of affordable units on the section of the site intended to be built out by the RP would be 75.3% (113 units), and the proportion on the section to be undertaken by the "normal" house builder would be 17.6% (44 units); the overall contribution to affordable housing would be 39.25% (157 units).

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	-	22.6	62.6	14.8
Affordable	18.5	45.2	32.5	3.8

Insofar as the market housing is concerned, it is noted that the scheme would be slightly more weighted towards three bed units at the expense of two bed 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)). Nevertheless, it is acknowledged that the mix would, overall, perform well when considered against the HEDNA.

Policy H6 also requires a proportion of dwellings suitable for occupation by the elderly (including bungalows) for developments of 50 or more dwellings; 20 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; in respect of this issue, the applicants advise that, having regard to the requirements of Parts M4(2) and M4(3) of the Building Regulations, a total of 77 units would be provided as either bungalows or adaptable / accessible accommodation. It is considered that the scheme would be acceptable in this regard.

In terms of affordable housing generally, as set out above, the Section 106 agreement requires the provision of a minimum of 11% of the proposed dwellings 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 two phases the subject of this application would need to be agreed separately under the provisions of the Section 106 agreement prior to commencement on the relevant phase). Nevertheless, the District Council's Strategic Housing team indicates that it is satisfied with the house types indicated as intending to be the affordable contribution for the development.

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. The submitted layout broadly corresponds with the various areas of proposed green infrastructure identified indicatively at the outline stage (and secured under the Section 106 agreement), and would be considered to provide a suitable contribution to the network of open space proposed as part of the development's intended landscape-led approach. Whilst the National Forest Company considers that additional woodland planting should be provided, the scheme appears to meet the relevant requirements and as set out in the Section 106 agreement, with a total of 6.2 hectares of public open space (i.e. in excess of 30% of the site) being provided. The National Forest Company has also requested additional details in respect of proposed landscaping (detailed planting specification etc.); this has now been provided and any further comments of the National Forest Company on this issue will be reported on the Update Sheet. The scheme indicates one Locally Equipped Area for Play (LEAP) and one Neighbourhood Equipped Area for Play (NEAP) (the provision of which is a specific requirement of the Section 106 agreement). Whilst the details of these would be a matter for separate agreement under the Section 106 obligation, the details shown indicatively on the site layout would appear to be generally acceptable in terms of their size and location.

Under the provisions of the Section 106 agreement, 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. However, the details submitted with this reserved matters application are considered to indicate that submission / approval of appropriate details at the relevant time under the Section 106 agreement would be likely. The District Council's Urban Designer draws attention to the fact that all areas of public open space should be available for all users, and provide seating etc. as appropriate.

Highway Safety, Transportation and Access Issues

As set out above, the proposed vehicular accesses were determined at the outline stage, and the impacts of the development on the wider highway network were addressed at that time; the details of site access for determination at this reserved matters stage relate to other (i.e. non-vehicular routes) into and out of the site, together with all other (i.e. including vehicular) routes through and within the site. The vehicular access points approved at the outline stage included new priority junctions to both Standard Hill and Highfield Street; under the provisions of the outline planning permission, the number of dwellings to be accessible to vehicles via Highfield Street is limited to a maximum of 100. The reserved matters scheme as proposed would include 92 dwellings accessed from this direction, and the remainder via Standard Hill. The Highfield Street access has previously been laid out in accordance with the site access details approved under the outline planning permission and access area reserved matters approval.

Whilst the numbers of dwellings accessed via the respective routes would be limited in accordance with these figures, the submitted layout includes provision for an emergency access allowing emergency vehicles to access the whole of the site from either direction; unauthorised use of the emergency access would be prevented by installation of demountable bollards. It had originally been proposed that the link would also be usable by public transport (by way of the installation of a bus gate). However, following dialogue with the County Highway Authority, it is no longer proposed to design the scheme so as to facilitate bus penetration through the site; there was no specific requirement to provide this at the outline stage, and it is not considered necessary by the County Highway Authority.

In terms of the detailed layout of the Standard Hill and Highfield Street accesses, following amendments made during the course of the application in dialogue with the County Highway Authority regarding the potential for bus access through the site, the layouts of the access junctions are proposed to be amended slightly. These changes would need to be addressed separately by way of an alteration to the outline planning permission (e.g. under a Section 73 application to amend the access plans approved under the outline planning permission), and fall outside of the scope of this reserved matters application (and the plans have been amended to exclude these works from the application site plan submitted in support of the reserved matters scheme). However, the changes indicated would include a narrowing of the previously approved "bell mouth" to the Highfield Street junction, with the resulting additional space either side provided as landscaping (which, from a visual impact/urban design point of view, would be likely to represent an enhancement, and presenting a "softer" appearance to the site entrance). This may also result in a reduced "loss" of on-street car parking as referred to in more detail below. As above, however, these are not matters directly relevant to the determination of this reserved matters application.

In terms of the proposed internal layout of the development, the County Highway Authority

advises that the proposed scheme would generally conform with the requirements of the Leicestershire Highway Design Guide (and would also be suitable for adoption). It is noted that the amended scheme includes what would, in officers' view, represent somewhat large overrun areas on two bends within the site (so as to allow for larger vehicles to manoeuvre). These would appear to be a requirement of the County Highway Authority in order to secure its agreement to adoption; from a design point of view, these are considered to have a somewhat over-engineered appearance, but the applicants confirm that these would be completed in an alternative material to tarmac (e.g. cobbled setts) which would, it is considered serve to limit their visual impact to some degree.

Insofar as car parking is concerned, it is noted that the proposed units would all be provided with off-street car parking in accordance with the relevant standards.

At the time that the outline planning application was determined, concerns were raised by residents on Highfield Street that, as a result of the proposed Highfield Street site access (and any associated Traffic Regulation Order (TRO) (i.e. yellow lines) to protect both the visibility splays at the junction and the turning movements of vehicles such as buses or refuse vehicles restricting parking in the vicinity of the access, were such a TRO to be implemented), there would be a "loss" of existing on-street car parking space (albeit there is no specific right to park on the highway per se). In response, the then applicants advised that, at the reserved matters stage, they would be willing to investigate provision of potential rear vehicular access to a number of the existing dwellings on the north western side of Highfield Street. Whilst the original applicants are no longer progressing the site, the current applicants are agreeable to continuing this commitment, and the scheme has been configured so as to include a proposed road following the rear of much of the rear of Highfield Street properties; the applicants advise that the intention would be to retain control over a thin strip of land between the common boundary and the new road so as to enable control to be maintained over any new accesses formed onto the road (i.e. to avoid a situation whereby the absence of any control could result in a wide range of surfacing and boundary treatment / gates etc., with the resulting potentially harmful impacts on visual amenity). In total, based on the configuration of the proposed layout (and given the intention to provide a separate access to the side of the property closest to the site junction), potentially, 21 of the 36 dwellings between 168 and 238 (evens) Highfield Street would be able to gain access to the rear of their properties (should residents wish to request it from the developer).

A public right of way (N94, part footway, part bridleway) passes north east-south west through the north western section of the site. The right of way passes through an area of the site identified as public open space and the scheme as currently proposed would, in effect, retain the existing route on a very similar line to the current right of way (albeit with surfaced paths). As originally submitted, the scheme indicated the erection of dwellings along the line of the existing right of way route, and the County Rights of Way officer advised that a diversion application would be required; following amendment of the application to remove properties from the vicinity of the footpath, this issue is considered to be resolved. Whilst the right of way would be within the vicinity of new development, it is not considered that this would adversely affect the enjoyment of its route by users to an unacceptable extent. It is noted that the County Rights of Way officer has also requested the route of the right of way be surfaced in a 2m wide (3m for the bridleway section) sealed surface. In this case, the line of the right of way (where it passes through the public open space) is unlikely to be a key pedestrian accessibility route between the site and local services (as opposed to simply continuing its existing recreational use/value), so it is not considered that it would be reasonable to require its surfacing in the manner suggested in this instance from a planning point of view; consideration will also need to be given to the visual impacts of any surfacing, and it is recommended that this matter be addressed by way of

condition.

Overall in respect of highway safety, transportation and access issues, therefore, it is noted that the County Highway Authority has no highway safety objections to the proposal and raises no objections subject to conditions. [Whilst it is noted that the conditions suggested by the County Highway Authority include one relating to providing the access arrangements as shown on the amended layout plans, for the reasons set out above, it is considered that this matter needs to be addressed separately against the outline permission.]

The proposals (insofar as they relate to the reserved matters under consideration) are therefore considered acceptable and would comply with the requirements of Local Plan Policies IF4 and IF7.

Residential Amenity

Local Plan Policy D2 provides that development proposals will be supported where, amongst others, they do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing and overbearing impact. Additional guidance is provided within the Good Design for North West Leicestershire SPD (including in respect of separation distances between dwellings).

Insofar as this reserved matters application is concerned, it is considered that the principal residential amenity issues would be in respect of the impacts on the future living conditions of residents of both the proposed development and existing nearby properties. In this regard, it is considered that the relationship between the various dwellings (including in terms of scale, siting and positioning of windows etc.) is of particular relevance.

In terms of the impacts on neighbouring occupiers, it is noted that there are existing properties adjacent to a number of the boundaries of the site which would be located in close proximity to the development. Insofar as adjacent roads/existing residential development is concerned, the following conclusions are reached:

Wentworth Road:

Existing properties at the southern end of Wentworth Road are located in the proximity of proposed two storey flats in the north eastern corner of the application site. However, having regard to the proposed layout and existing garden areas, there would be a significant separation provided between proposed and existing properties (in excess of 80m), so no material loss of amenity would be considered to result (and including in respect of any comings and goings associated with the use of the flats' parking area).

As set out above, land to the north (land at Wentworth Road / Jackson Street) is currently being developed for housing; given proposed intervening public open space, acceptable separation distances would again be provided.

St Faith's Drive:

The closest proposed dwellings to existing properties on St Faith's Drive would be in the order of 25m away at their closest point which would exceed the relevant guidelines, but also at an indirect angle, thus reducing any amenity impacts further. It is also noted that the existing area of retained planting (the subject of Tree Preservation Order (TPO) T426) provides a substantial

screen between the area within which dwellings are proposed to be erected and the sides / rear of existing dwellings on St Faiths Drive.

Highfield Street:

As set out above, much of the rear of existing properties on Highfield Street would be bounded by a new estate road. As a result (and given the presence of long rear gardens to Highfield Street), most properties' amenities would be unlikely to be unacceptably affected by the scheme. To the north eastern end of Highfield Street (where no estate road would be sited in between existing and proposed dwellings), the intended separation distances would be more limited (with proposed dwellings being located approximately 5m from the common boundary). These dwellings would however be positioned at an angle to existing rear gardens on Highfield Street. Because of this, the closest habitable room window looking directly towards an existing garden would be approximately 8m away which, it is considered, would be reasonable (and particularly when considering the limited extent of the relevant gardens faced by the proposed dwelling, given its angle of siting). It is also acknowledged that the distance from any affected dwelling itself would, by virtue of the long gardens to Highfield Street, be somewhere in the order of 35m.

Towards the south western end of Highfield Street, new backland development has been undertaken (Chapel Row). This development includes dwellings backing onto the application site (with garden lengths of around 10 to 12m). Principal dwelling frontages on the application site would be in the order of around 20m from the rear of the existing dwellings (and which would meet the relevant SPD standard). A side elevation (to a single storey dwelling) would also be proposed, but would be located beyond the 12m minimum recommended in the SPD.

Standard Hill:

Relevant minimum window to window distances and rear to side relationships to existing dwellings on Standard Hill would generally be provided. A cranked unit in the southern corner would be located within approximately 7m from the end of neighbouring gardens but, given the length of those gardens and the angle at which any overlooking of the gardens would take place, the impacts are not considered likely to be so severe as to warrant a refusal of the scheme. Further west, proposed two storey flats would be located approximately 7m from the common boundary, but this projecting section would not include any windows to first floor level, thus avoiding any undue overlooking of the adjacent garden.

Properties on the westerly Private Road accessed from Standard Hill would be backed onto by semi-detached dwellings and the western end of the flats referred to above. Relevant SPD window to window distances would be met (albeit it is noted that outline planning permission (all matters reserved) has been granted for an area adjacent to the current application site, and any future reserved matters scheme for that site would need to take into account any scheme approved on the current site). Proposed garden lengths are shown as approximately 10m (albeit marginally below this towards the eastern end of the run), but this would nevertheless be considered sufficient to preclude any undue overlooking of adjacent garden areas. Concern has been expressed by the occupier of one of the existing dwellings that, given the distances involved, future occupiers of the proposed units would be overshadowed by a line of high evergreen Lawson Cypress trees adjacent to the common boundary. Whilst it is acknowledged that there could be a need to reduce the height of the line of trees / hedge in the future if they continue to grow, it is not considered that this would represent a reasonable grounds for refusing the planning application in that the trees themselves are not considered of particular merit, and no unacceptable harm to their appearance/amenity value would result in the event

that they needed to be trimmed.

As referred to above, a separate application is currently under consideration in respect of the Jack's Ices site; having regard to the respective proposed layouts, it is not considered that any undue loss of amenity to occupiers of either proposed development would be likely to arise.

In coming to the positions above, it is noted that, at this stage, full details of proposed Finished Floor Levels (FFLs) have not been provided and, as such, the conclusions reached are on the basis of the proposed and existing dwellings not being sited at significantly different levels. However, it is considered that any reserved matters approval granted should include the need to agree proposed levels and, should submitted details indicate that a satisfactory relationship between existing and proposed units would not be secured, this would need to be dealt with as part of any submitted discharge of condition application.

Overall in terms of residential amenity, and subject to any implications of respective site levels being addressed at the appropriate time, it is considered that a suitable relationship between existing and proposed dwellings is likely to be achievable, and that the requirements of Local Plan Policy D2 and the Good Design for North West Leicestershire SPD would be satisfied in this regard.

Insofar as the amenities of future occupiers would be concerned, it is considered that, overall, the development would provide for an appropriate standard of amenity levels. It is however noted that, in the instance of two pairs of "duplex" style flats (i.e. housing units with one property on each floor), these would have limited outdoor amenity space. The Good Design for North West Leicestershire SPD provides that rear private garden spaces must be at least equal to the footprint of the property (plus space for bin storage) and which would not be achieved in the case of these units. It is however acknowledged that they are in effect flats and, as such, a more flexible approach to interpretation of the policy would be reasonable (i.e. given that larger blocks of flats would not normally be expected to meet such a criterion). It is noted that the submitted details indicate the enclosure of the flats' gardens with 1.8m high close boarded fence; precise details of means of enclosure would need to be resolved by way of condition, but, notwithstanding the details indicated, close boarded fencing is not normally considered as an acceptable means of enclosure for boundaries prominent from public realm, and a more appropriate solution to the type of boundary treatment used in this location would need to be agreed under condition.

It is also noted that a small number of proposed houses' gardens would not fully comply with the SPD's garden size requirement; amendments have been made to a number of plots (i.e. reconfiguration of plot boundaries) so as to ensure compliance is maximised. For a remaining few plots where full compliance would not be achieved, it is acknowledged that further reconfiguration would be likely to result in a somewhat convoluted disposition of rear garden space and that, in any event, the extent of the shortfall would be minimal. As such, the scheme is, overall, considered acceptable in this regard.

Trees and Hedgerows

In addition to the issues relating to new tree planting as set out above, it is noted that the site currently includes a significant extent of vegetation (including trees and areas of "scrub"), particularly within the non-agricultural land closest to the existing built up area of the town. The principle of developing the site (and the inevitable resulting loss of trees associated with that)

was addressed at the outline stage.

In terms of the detail of the tree loss, however, it is noted that the majority of higher quality trees are located on the site's periphery, or within areas proposed to be retained as public open space and, save for a small number of trees within retention category B (moderate quality), the trees and hedgerows that would be lost to the development would fall within categories C (low quality) or U (unsuitable for retention regardless of the development). The affected trees falling within category B would include two individual hawthorn and a small group of elder and hawthorn. On this basis, it is considered that the scheme would allow for the retention of the most important trees, and strikes an appropriate balance between retention of trees, and the reasonable development of the site.

The site is also the subject of two Tree Preservation Orders (TPOs) (ref. T407 and T426). The TPO was made by the District Council in 2008 and 2011 respectively and protect trees adjacent to the Highfield Street access, and woodland to the south and west of 18-32 St Faiths Drive, with T426 being specifically requested to provide screening from the proposed development for existing properties to St Faiths Drive. Save for some minor felling and crown lifting on the edge of the T426 TPO area, together with some other management works within the body of the TPO area (removal of dead wood and smaller, poorer quality trees) the TPO trees would be retained. The applicants propose the creation of a 5m wide "buffer zone" between built development and the main body of the woodland TPO; the submissions indicate that this zone would be subject to "sensitive management to include clearance of ground vegetation, crown lifting, dead wooding and removal of smaller specimens". The applicants consider that this will "provide a transitional and managed edge to the woodland that will ease the relationship between the houses and the trees without diminishing the screening function of the overall TPO area".

The Snibston Heritage Trust draws attention to the presence of further protected trees on land to the west within Snibston Grange (ref T64, which abuts the site); having regard to the layout of the site (with the north western area being identified as public open space), the proposals would not appear to impact upon any trees the subject of this TPO.

No objections are raised by the District Council's Tree Consultant, subject to the implementation of the protection measures for retained trees as set out in the submitted Arboricultural Method Statement. The scheme is therefore considered acceptable in terms of its impacts on trees and hedgerows.

Other Matters

Ecology

The issues relating to the ecological impacts of the proposed development were addressed at the outline stage. Nevertheless, concerns have been raised by third parties in this regard, and including in respect of the ecological information that was submitted in support of the outline application (given the period of time that has elapsed since).

Given the nature of the planning process, it is often the case that a period of some years may pass between the original assessment of an application and its implementation and, as a result, surveys undertaken at the time of the original application may be of some age by the time that a scheme is implemented. In this instance, however, a number of ecology-related conditions were attached to the outline planning permission, including conditions requiring submission and approval of details of all ecological mitigation and management measures, an ecological and

landscape management plan, and pre-commencement updated surveys of badger and otter. As such, all relevant ecological mitigation is considered to have been secured under the outline planning permission. Nevertheless, having regard to concerns raised, the applicants have undertaken updated surveys in respect of protected species on the site. The updated survey report has been assessed by the County Ecologist who advises that it is acceptable. The County Ecologist also confirms that proposed landscaping is acceptable from the ecological point of view and, whilst it is noted that the County Ecologist advises that a management plan be submitted, it is considered that this would already be secured under the conditions attached at the outline stage and would more properly be addressed through that separate discharge of conditions process.

On this basis, it is accepted that the scheme would remain acceptable from the ecological point of view, and that all relevant matters are addressed under the outline planning permission.

Conclusions

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

The reserved matters scheme the subject of this application is considered to be acceptable, and it is therefore recommended that reserved matters approval be granted.

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

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping (including future maintenance and management of proposed and existing landscaping)
- 4 Hard surfacing (including treatment of parking / driveway areas and delineation of parking)
- 5 Materials
- 6 Boundary treatment
- 7 Tree / hedgerow protection (including proposed TPO buffer zone)
- 8 Levels
- 9 Pedestrian and cycle routes / connections
- 10 Car parking / turning
- 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 Measures to prevent drainage of surface water into the public highway
- 19 Strategy for provision of rear vehicular access to existing properties on Highfield Street
- 20 Details of substations / pumping stations etc.
- 21 Details of works to watercourse (including culverting / headwalls etc.)
- 22 Precise configuration of Plots 286 and 287