

Erection of 80 dwellings including temporary construction access, parking, pedestrian links and open space to parcel E (reserved matters of access, appearance, landscaping, layout and scale to outline planning permission ref. 13/00956/OUTM) Land adjacent to Grange Road, Hugglescote, Coalville, Leicestershire

**Report Item No
A2**

**Application Reference
24/00022/REMM**

**Grid Reference (E) 443209
Grid Reference (N) 312431**

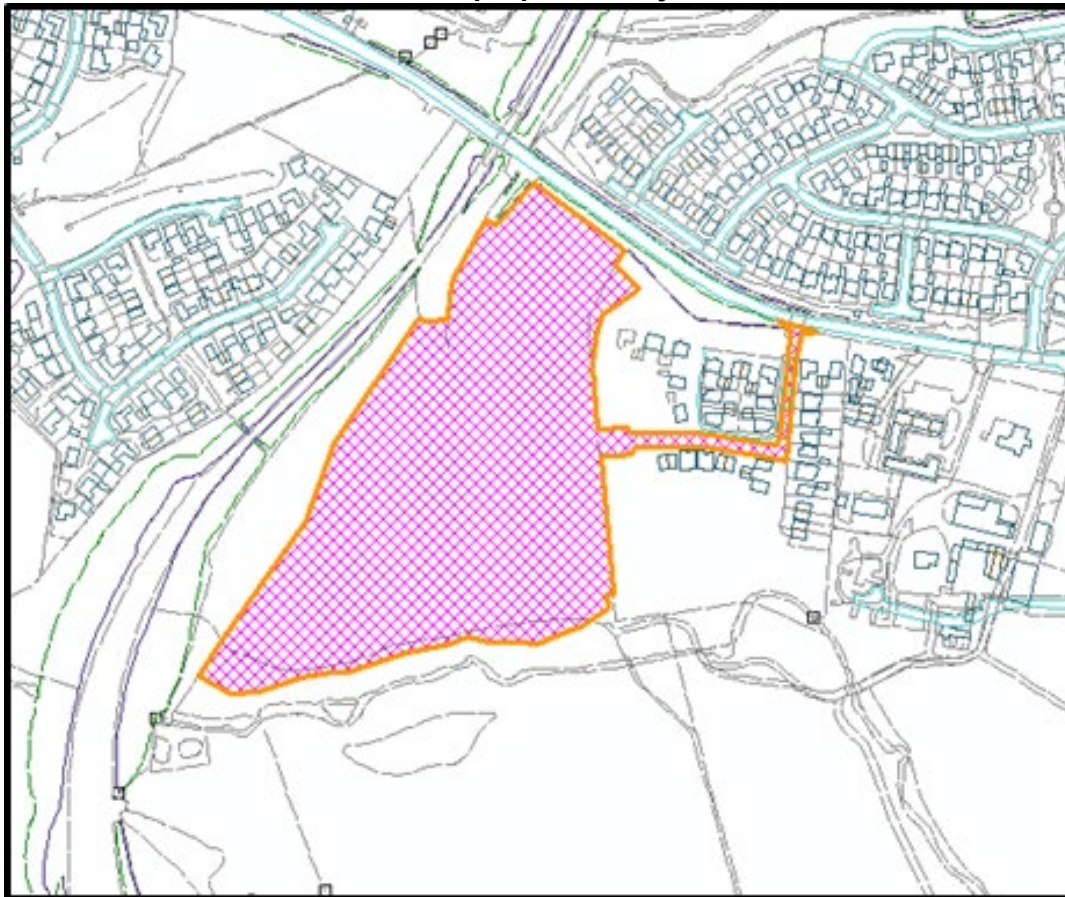
**Date Registered:
11 January 2024
Consultation Expiry:
26 February 2024
8 Week Date:
11 April 2024
Extension of Time:
None necessary**

**Applicant:
Cadeby Homes**

**Case Officer:
James Knightley**

**Recommendation:
PERMIT**

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

Reason the case is called to the Planning Committee:

The application is referred to Planning Committee for determination at the request of Councillor Johnson based on highway issues (including traffic generation, vehicular access, highway safety, road width and public right of way impacts), impact on residential amenity (including noise and general disturbance), flooding, and impacts on nature and ecology.

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

- 1 Compliance with outline planning permission
- 2 Approved plans
- 3 Landscaping (compliance with submitted details, submission and approval of a timetable for implementation prior to occupation, and maintenance / replanting)
- 4 Hard surfacing (submission and approval of details prior to occupation, including provision of transition strips to proposed roads)
- 5 Materials (submission and approval of details prior to any construction above damp proof course)
- 6 Boundary treatment (submission and approval of details prior to occupation)
- 7 Tree / hedgerow protection
- 8 Levels (submission and approval of details prior to commencement)
- 9 Pedestrian and cycle connections (submission and approval of details prior to occupation, including linkages to adjacent land, right of way crossing and signing / waymarking of routes)
- 10 Scheme for the treatment of public rights of way (submission and approval of details prior to commencement) of any works affecting the line of any right of way (where not covered under the above)
- 11 Implementation of works to former mineral railway line as part of its provision as a recreational route (submission and approval of details prior to occupation, together with a timetable for implementation)
- 12 Car parking (including vehicle charging points) and turning provided prior to relevant dwelling's occupation
- 13 External lighting (submission and approval of details prior to occupation)
- 14 Windows, doors, rainwater goods, utility boxes, chimneys, eaves and verges (compliance with details and / or submission and approval of details prior to any construction above damp proof course)
- 15 Windows to car parking areas provided prior to relevant dwelling's occupation
- 16 Bin / recycling storage and collection points (submission and approval of details prior to occupation)

PLANNING APPLICATIONS- SECTION A

- 17 Street name plates (submission and approval of details prior to installation)
- 18 Retaining walls / structures (submission and approval of details prior to installation)
- 19 Provision of signage in respect of unadopted roads / drives intended for public use (submission and approval of details prior to installation, and installed prior to first occupation of any dwellings on the relevant route)
- 20 Site access provided as shown prior to occupation of any dwellings
- 21 Provision of measures to prevent drainage of surface water into the public highway prior to occupation of the relevant dwelling
- 22 Compliance with Construction Traffic Management Plan
- 23 Compliance with site-specific Travel Plan
- 24 Provision of pedestrian visibility splays to accesses
- 25 Works to existing feature entrance walls (submission / approval of any associated works prior to their implementation)
- 26 Pedestrian crossing and associated footway (implementation of a signalised pedestrian crossing to Grange Road, together with a footway to the southern side of Grange Road connecting it to the existing footway adjacent to Hemsley Road prior to occupation of any dwellings on Phase E1) (subject to Planning Committee being satisfied as to the appropriateness of such a condition)
- 27 Works associated with formation of the proposed footway (submission and approval of a detailed scheme of works, including any retaining structures and a detailed assessment of any arboricultural impacts / protection, prior to commencement of any works in respect of the formation of the proposed crossing or new footway to Grange Road)
- 28 Reinstatement (including stopping up and landscaping) of construction access (submission and approval of details prior to occupation of final dwelling)

1. Proposals and Background

This is a reserved matters application for the erection of 80 dwellings on a parcel of land of approximately 4.6 hectares forming part of the wider South East Coalville development (and identified as Phase E1 of the wider South East Coalville consortium scheme).



The above image shows the site in relation to its surroundings including an earlier phase of the South East Coalville consortium site (Phase D1) to the east, the Taylor Wimpey (Blackham Road) development to the west (beyond the former mineral railway line), and part of the Davidsons Lower Bardon) site to the north.

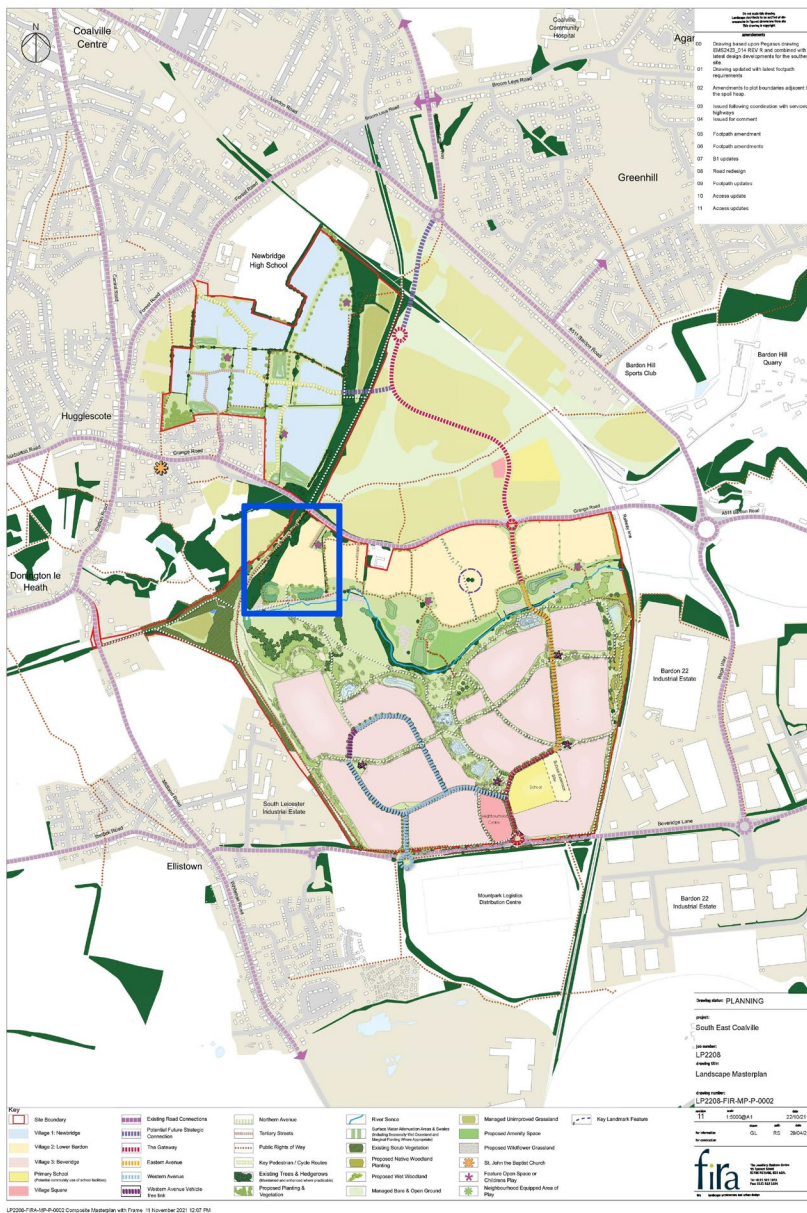
View south from north eastern part of site (with Phase D1 to left):



View north east (towards Phase D1) from southern part of site:



The plan extract below shows the approximate location of the parcel within 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, adjacent to an existing parcel recently carried out by the same developer (Phase D1), and to the east of the former mineral railway (now used as a recreational route). The proposed scheme would be accessed by vehicles via Phase D1 (and using the existing access into that phase from Grange Road (Hemsley Road and Lovett Close)). Land to the west and south of the current application phase is identified as public open space with pedestrian routes.

Relevant Planning History

Application Ref.	Description	Decision / Date
13/00956/OUTM	Development of up to 2,700 dwellings, up to 2 Ha for a new local centre including up to 2,000sqm for A1, A2, A3, and AS uses, up to 499sqm for public house restaurant, up to 400sqm for children's day nursery and up to 500sqm for new medical centre; new primary school, on-site National Forest planting and areas of public open spaces, new bus routes and bus infrastructure and associated highways and drainage infrastructure (Outline - all matters reserved)	Approved 26/09/16
23/00012/REMM	Erection of 80 dwellings including temporary construction access, parking, pedestrian links and open space to parcel E (reserved matters of access, appearance, landscaping, layout and scale to outline planning permission ref. 13/00956/OUTM)	Refused 25/09/23

The site is similar to the previously submitted reserved matters scheme identified above, refused contrary to officer recommendation at the Planning Committee meeting of 12 September 2023 (and which is currently subject to an appeal against that refusal, with a hearing scheduled to take place on 5 March 2024).

The reason for refusal of that application was as follows:

Paragraph 8 of the National Planning Policy Framework (NPPF) defines sustainable development (and including its environmental dimension) and also provides that the planning system has a social objective, including in respect of ensuring that new developments have accessible services. Paragraph 112 provides that applications for development should create places that are safe, secure and attractive, and which minimise the scope for conflicts between pedestrians, cyclists and vehicles. Policy IF4 of the North West Leicestershire Local Plan requires that development incorporates safe and accessible connections to the transport network to enable travel choice. Policy T1 of the Hugglescote and Donington le Heath Neighbourhood Plan requires that transport assessments for new housing development should demonstrate that safe, convenient and attractive routes to shops, employment, schools and community facilities are provided. The site is located to the southern side of Grange Road which occupiers of the proposed development would be required to cross in order to access a range of local services. By virtue of the nature of

Grange Road and the lack of formal crossing facilities, residents would be unable to access these local services in a safe manner. Approval of the development would therefore result in harm to pedestrian safety, not constituting sustainable development, and contrary to the policies and intentions of the NPPF, Policy IF4 of the North West Leicestershire Local Plan and Policy T1 of the Hugglescote and Donington le Heath Neighbourhood Plan.

The principal changes from the previously refused scheme include the provision of a signal-controlled (puffin) pedestrian crossing to Grange Road (in lieu of a previously proposed vehicle activated speed sign), and additional pedestrian connections within the application site.

3. Publicity

41 Neighbours have been notified

Site Notice displayed 19 January 2024

Press Notice published Leicester Mercury 24 January 2024

3. Summary of Consultations and Representations Received

Hugglescote and Donington le Heath Parish Council comments as follows:

- Proposed widening of existing site access is welcomed
- Existing estate roads in the first phase will not support the additional traffic accessing the development
- Proposed puffin crossing is welcomed but would not be in the right location – Parish Council members recommend relocating closer to Hemsley Road where it would be more accessible, would require removal of fewer trees, and would provide better visibility
- Submitted Travel Plan needs updating having regard to timing of new school delivery, changes to public transport services and the walkability of some of the public rights of way

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

National Forest Company recommends the provision of additional shrub planting in the area adjacent to the proposed SuDS pond and the attachment of conditions in respect of the implementation of the landscaping scheme

North West Leicestershire District Council Environmental Protection team has no objections

North West Leicestershire District Council Strategic Housing Team has no objections

North West Leicestershire District Council Waste Services Team – no comments received

Third Party Representations

40 representations have been received, objecting on the following grounds:

Subject	Reason for Objection
Access Issues	Existing access to Grange Road unsuitable for additional use
	Existing access and estate road are unsafe
	Incorrect data / assumptions / findings in the submitted Transport Assessment
	Proposed pedestrian crossing in an unsafe location
	Grange Road speed limit exceeded
	Construction access location unsafe
	Construction access not truly temporary
	Damage to local roads
	Existing estate road unsuitable to serve development
	Existing estate has insufficient car parking
	Existing estate subject to on-street parking
	Extended estate road would cross a pedestrian / cycle route
	Congestion on local roads
	Insufficient car parking
Amenity Issues	Noise, dust and fumes from passing vehicles
	Noise and disruption during construction works
Flood Risk	Proposed dwellings will be at risk of flooding
	Existing flooding issues elsewhere in Hugglescote
Other	Contrary to approved masterplan and phasing details
	Existing phase (D1) should never have been permitted
	Contrary to Neighbourhood Plan
	Purchasers of existing dwellings were not made aware of proposed further development / its means of access
	New school not yet built

	Insufficient infrastructure (including in respect of healthcare, children’s play space, leisure, education, utility supply, sewage and public transport)
	Impact on wildlife / habitats
	Poor accessibility of and insufficient parking at GP surgery
	Existing development not yet complete
	Pollution / emissions
	Coalville already has a disproportionately large amount of housing and warehouse developments
	Development not sustainable
	Proposals are profit-driven
	Road name may need to be changed
	Loss of property value
	Increased crime / security risk

All responses from statutory consultees and third parties are available to view in full on the Council’s website.

**4. Relevant Planning Policy
National Policies**

National Planning Policy Framework (2023)

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, 56 and 57 (Decision-making)
- Paragraphs 112, 115 and 116 (Promoting sustainable transport)
- Paragraphs 128 and 129 (Making effective use of land)
- Paragraphs 131, 135, 136, 137 and 138 (Achieving well-designed places)
- Paragraph 175 (Meeting the challenge of climate change, flooding and coastal change)
- Paragraphs 186 and 191 (Conserving and enhancing the natural environment)

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 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

Hugglescote and Donington le Heath Neighbourhood Plan (2021)

The site lies within Limits to Development as defined in the Neighbourhood Plan. The following adopted Neighbourhood Plan policies are considered relevant to the determination of this application:

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

Good Design for North West Leicestershire SPD
Leicestershire Highway Design Guide (Leicestershire County Council)
Design Manual for Roads and Bridges
Manual for Streets

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.

Having regard to the similarities of the proposals to the previously refused scheme, much of the assessment below (and the relevant conclusions) remain as per those set out in respect of that application, with the principal changes relating to the changes in respect of the highways and transportation aspects of the development proposed to seek to address the previous reason for refusal.

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.

Also relevant in this instance is the issue of compliance with the masterplan details previously approved under Condition 5 (and as referred to above). The masterplan details approved under this condition incorporate a masterplan drawing and accompanying masterplan statement. The masterplan statement defines the wider site's phasing and identifies the number of dwellings to be provided within each phase. In the case of the phase the subject of the current application (Phase E1), the masterplan statement indicates that 82 dwellings would be provided (whereas 80 are proposed under the reserved matters application). Further consideration to this point is set out under Urban Form, Design and Site Layout below. Whereas it is noted that third party comments have been made to the effect that the phase would be delivered earlier than anticipated in the indicative phasing plan (and which forms part of the masterplan documents), it remains the case that this phasing is indicative only, and it would not be appropriate for the Local Planning Authority to seek to prevent development coming forward on parcels more quickly or more slowly than suggested on the phasing schedule. The key point with respect to phasing is considered to be that any associated infrastructure improvements (e.g. transportation) required to accommodate the wider development are delivered at an appropriate time. Infrastructure contributions secured under the Section 106 / 278 agreements are required to be made as and when plots are delivered on site, thus ensuring that contributions are made based on when sites within the wider scheme actually come forward.

Urban Form, Design and Site Layout

The proposed site layout is shown below:



As set out above, under the provisions of the approved site-wide masterplan and phasing, 82 dwellings are proposed to this parcel. Whilst it is acknowledged that this would not fully comply with the provisions of the details previously approved under Condition 5 (as referred to above), it is accepted that the extent of the shortfall is not extensive and that, overall, the design quality would not in this instance be adversely affected. It is also noted that the individual parcel figures set out in the approved phasing details total 2,700 dwellings which, itself, is the *maximum* figure allowed for under the outline planning permission (and, as such, if the overall development was not to provide for the full 2,700 maximum figure, some minor reduction in numbers of dwellings within individual phases would inevitably occur).

The proposed development would provide for a net density of approximately 28 dwellings per hectare. Paragraph 128 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 relevant local 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.

In addition to the requirements of the design code, it is noted that adopted local policies (including Local Plan Policy D1, Neighbourhood Plan Policy G3, and the Good Design for North West Leicestershire SPD) set out a number of design requirements (including, in the cases of the Neighbourhood Plan and the Good Design for North West Leicestershire SPD, some fairly detailed criteria), and which also need to be taken into account the determination of this application (but also when taking into account the design approach for the development as a whole already established through the approval of the site-wide design code, and when considering any varying objectives of these documents in the round).

During the previous application, the scheme had 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, and these previous amendments have been carried forward into the new application.

Whereas officers had previously sought to the potential to provide a link between the proposed Locally Equipped Area for Play (LEAP) and the former mineral line to the west, it is noted that the revised application includes a firm commitment to provide a link at the northern end of the site (and as referred to in more detail under the section relating to Pedestrian Routes / Public Rights of Way below); this would, it is considered, be a suitable solution in this regard (and subject to detailed design and timetable for implementation issues being addressed by way of condition).

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; Neighbourhood Plan Policy H1 requires a mixture of housing types specifically to meet the latest assessment of identified local needs in Hugglescote and Donington le Heath. 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, Local Plan 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:

Tenure	No. of Bedrooms (% of each tenure type)			
	1	2	3	4+
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 (%):

Tenure	No. of Bedrooms			
	1	2	3	4+
Market	-	6.8	25.7	67.6
Affordable	16.7	50.0	33.3	-

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). The outline planning permission for this site pre-dates the adoption of the Local Plan / Policy H6 and there is therefore no mechanism within the outline permission to control market housing mix.

Local Plan 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; as per the previous application, the applicant advises that their design team has undertaken a feasibility exercise to determine whether their house types can be made adaptable in accordance with Part M4(2) of the Building Regulations (which is, in effect, an optional standard under the Regulations beyond the minimum Part M4(1) "visitible dwellings" requirements). They advise that the standards contain numerous internal and external requirements and, in order to achieve these requirements, would need to make considerable amendments to each house type tested (and which, they advise, would result in impacts on the overall layout). They advise that, whilst it may be possible to adapt some of their house types in the longer-term, this may not be particularly straightforward, and would not wish to make these changes having regard to impacts on the layout as a whole. In this regard, therefore, the proportion proposed would be none, and this conflict with this element of Policy H6 would need to be considered in the overall planning balance. The officer view is again that, given the scheme's acceptability overall, this issue would not be so unacceptable as to warrant a refusal of the application.

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 6 of the proposed units (i.e. 7.5%) would be provided, thus ensuring that the development would meet 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, subject to confirmation of detailed internal room dimensions, 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 (for 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 one area (in the northern part of the site); by contrast, Local Plan Policy H4 and Neighbourhood Plan H2 seek 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 in a single group, 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), and given the relatively small number of dwellings in the group (6), the grouping of affordable units in this part of the phase would not be unacceptable.

Insofar as other sustainability credentials of the development are concerned, as previously, the applicant confirms that ground source heat pumps would be installed, and that Building Regulations requirements would be exceeded in terms of wall cavities and insulation.

It is noted that Policy G3 of the Neighbourhood Plan provides, amongst others, that development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations. The majority of the proposed dwellings would benefit from on-plot car parking, thus ensuring that safe, accessible and convenient charging would be possible, in accordance with the policy. The applicant also confirms that electric vehicle charging point wiring would be provided, allowing occupiers to fit a vehicle charging point post completion if required. For those plots where parking spaces would not be directly adjacent to their associated dwellings, EV charging points are proposed to be installed.

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. The phase is identified on the approved masterplan as being the location of one of the 10 proposed LEAPs. It is noted that the proposed LEAP would be sited slightly further to the west than as indicated on the masterplan, but this departure is not considered significant, nor to result in any material adverse effects. Whilst, under the provisions of the Section 106 agreement, the developers are required to agree details of the open space (including specification of LEAPs) within each phase prior to commencement within the phase in question, it is nevertheless noted that, in terms of the indicated size and location of the proposed open space, the relevant minimum area and separation distances from dwellings for LEAPs would be met, as would the expected range of equipment / activities based on the details indicated on the plans submitted at this stage. The area of open space would also be overlooked by several dwellings in this part of the site, thus providing a suitable degree of supervision.

Notwithstanding the above conclusions, however, it is noted that, 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, the approval of the details of these areas is essentially a matter relating to discharge of planning obligations rather than the current reserved matters application. The approved Masterplan Statement indicates that implementation of the open space works will take place prior to occupation of 75% of the dwellings within this phase. In effect, this includes the areas of landscaping and SuDS features to the edges of the site as shown on the site layout, together with other non-developed land within this phase (including land to the south as far as the watercourse, and to the west as far as the former mineral railway).

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. As also referred to, the submitted scheme shows the proposed dwellings served via Phase D1. A

PLANNING APPLICATIONS- SECTION A

separate temporary construction access is proposed direct from Grange Road (the centre of which would be located approximately 20m to the east of the former railway bridge).

The existing access serving Phase D1 is shown below:



The location of the proposed construction access is shown below:



The approved site-wide masterplan and vehicular access strategy identify a priority junction access into this phase from Grange Road (approximately 80m to the east of the former railway bridge, as shown on the extract below):



As set out above, the proposed scheme would be served via the existing vehicular access to Phase D1 from Grange Road and would not therefore reflect this element of the approved masterplan or vehicular access strategy. Whilst this departure from the masterplan and vehicular access strategy is noted, the key issue is, it is considered, whether or not this would lead to any unacceptable impacts (including in terms of, not only highway safety, but also residential amenity (and as considered in more detail under the relevant section below)).

Proposed (Permanent) Site Access

As set out above, the site is proposed to be accessed via the existing priority junction to Grange Road serving Phase D1 (the Grange Road / Hemsley Road junction). In response to previous application, the County Highway Authority had originally raised concerns regarding the increased use of the junction, and as a result, the applicant amended the application to include increasing its radii to 10m; this alteration to the access is again proposed under this application. This County Highway Authority confirms that this alteration has been subject to a Stage 1 Road Safety Audit (RSA) and an accompanying Designer's Response has been submitted. The County Highway Authority confirms that this element of the scheme is considered acceptable. It is also noted that, in order to accommodate the increased radii, some alterations to the existing entrance feature wall would be likely to be required, and it is recommended that a condition be attached so as to allow for this.

Construction Access

It is noted that, under the provisions of the existing Section 106 agreement, details of construction traffic routing are required to be agreed on a phase by phase basis with Leicestershire County Council prior to commencement on the relevant phase. Insofar as the access itself is concerned, when the previous application was submitted, the County Highway Authority had initially raised concerns regarding the proposed construction access visibility to the east of the access which, it had advised, would potentially be obstructed by the existing vertical crest curve on the westbound approach. Following the submission of further information, however, the County Highway Authority took the view that the visibility at the temporary site access would be acceptable subject to the imposition of a Temporary Traffic Regulation Order (TTRO) to temporarily reduce the speed limit on Grange Road to 30mph. The County Highway Authority again takes the same view in respect of this element of the application. As previously, all costs associated with the implementation of the TTRO would be at the applicant's expense and would need to be progressed as part of a future Section 184 technical approval process.

The County Highway Authority had initially also raised concerns in respect of the submitted swept path analysis relating to this access; in response, amended details have been provided including a corner taper, and which, the County Council advised, had improved the swept path analysis shown. Whilst the County Highway Authority took the view that the manoeuvre shown would still not be "ideal", on the basis of the applicant's submitted Construction Traffic Management Plan, a banksman would be used to assist such movements. It is noted that the outline planning permission already includes conditions in respect of the management of construction vehicles but, having regard to the specific additional elements identified by the County Highway Authority, it would be considered appropriate to attach a further condition at this reserved matters stage so as to ensure that the additional measures identified by the County Council would be secured.

The County Highway Authority confirms that it remains of the view that the use of the proposed temporary construction access would be acceptable in highway safety terms.

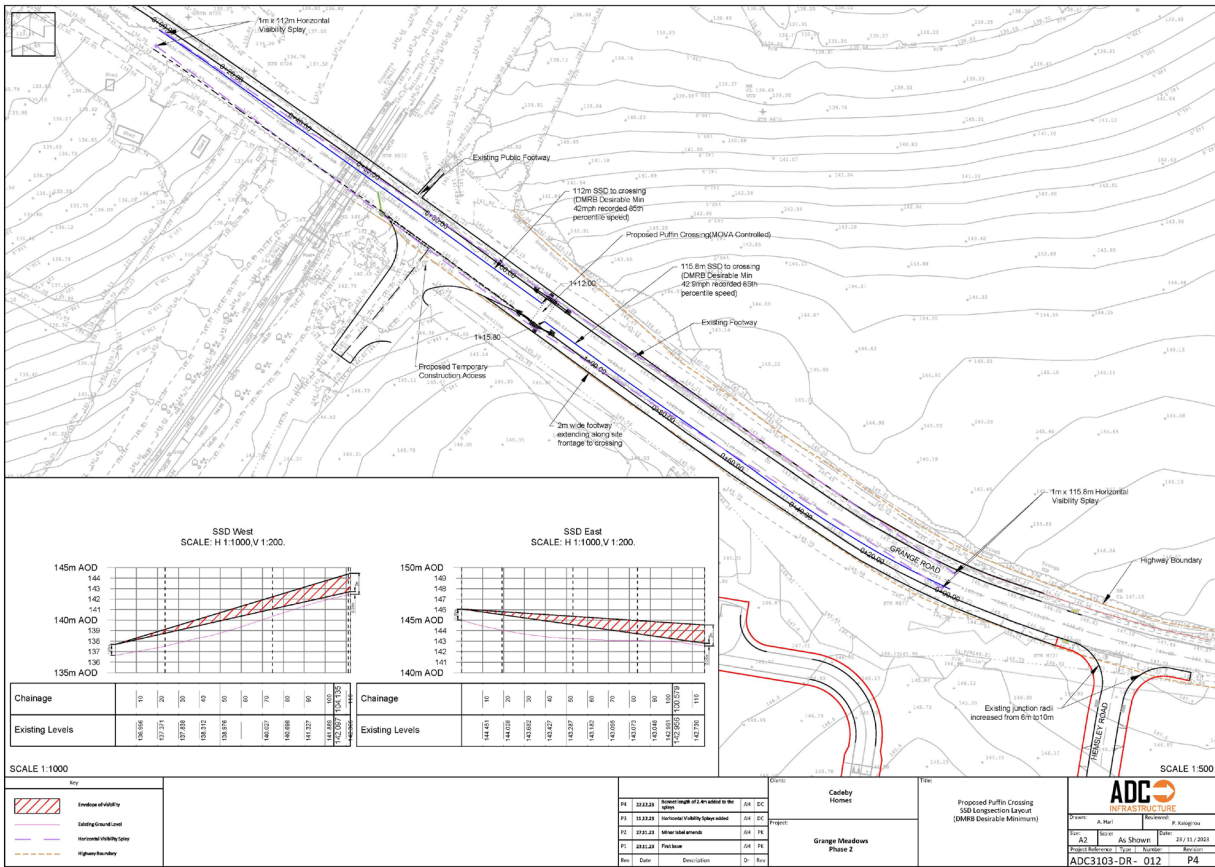
Proposed Pedestrian Crossing

At present, there is an uncontrolled crossing point to Grange Road (pedestrian dropped kerbs with tactile paving) to the western side of the Hemsley Road junction. As part of the previous scheme, the applicant had proposed the provision of a new puffin type pedestrian crossing to Grange Road but, following the submission of a PV² assessment (an assessment used to determine the relationship (and associated extent of conflict) between numbers of pedestrian and vehicular movements at a crossing point), the County Highway Authority took the view that the existing dropped kerb crossing would remain the most appropriate crossing type in this instance, given the ratios between numbers of pedestrian and vehicular users. In particular, the County Highway Authority was concerned that providing a formal crossing without adequate justification could give rise to highway safety concerns in that, where there is insufficient demand for a formal crossing to be provided, drivers do not anticipate that they will be required to stop to allow pedestrians to cross. On that basis (and given the results of the PV² assessment), the County Highway Authority did not support the provision of a formal pedestrian crossing in that location.

Further to the previous refusal, the applicant and the County Highway Authority have been in dialogue regarding the proposed provision of a signalised crossing and including in respect of the approach taken in the preparation of the associated PV² assessment. The current application is accompanied by an updated PV² assessment, and which also now considers pedestrian numbers generated from the wider South East Coalville site (i.e. in addition to the numbers generated from the proposed development itself, with the applicant's transport statement suggesting that occupants of a total of around 250 dwellings could be expected to benefit from a crossing in this location). The result of this revised assessment provides a final enhanced score of 0.93 (and with a score of 0.9 or above providing justification for the installation of a signalised crossing).

The applicant and the County Highway Authority have also considered further the siting of the proposed puffin crossing, having regard to the need to retain adequate visibility for vehicles exiting Hemsley Road (so, for example, to avoid a situation whereby pedestrians waiting for the lights to change are not standing in a location inhibiting visibility at the junction) and in order to provide adequate stopping sight distance (SSD) for vehicles approaching the crossing.

The proposed crossing (and associated extended footway) is shown on the plan below:



Views from the proposed puffin crossing are shown below

Looking East:





Looking West:



The revised crossing proposals have been subject to an independent Stage 1 Road Safety Audit (RSA) of the proposed design has been undertaken and, following the identification of an issue relating to horizontal visibility for pedestrians crossing north to south, further amendments have been made.

The County Highway Authority confirms that the revised proposals are designed to an agreed standard and that suitable visibility splays, based on recorded 85th percentile speeds, have been demonstrated in accordance with the Design Manual for Roads and Bridges (DMRB). The County Highway Authority also confirms that it is satisfied with the Stage 1 RSA and the subsequent

Designer's response and confirms that the principle and design of the signalised crossing are considered to be acceptable.

The County Highway Authority remains however of the view that the impact of the development alone would not justify the provision of a signalised crossing and considered that it would be unreasonable for the County Highway Authority to seek to secure this at the expense of the applicant. However, on the basis that the applicant is nevertheless proposing to provide this, the County Highway Authority advises that it seeks to secure the implementation of the crossing by way of planning condition.

Insofar as the justification for a condition is concerned, Paragraph 56 of the NPPF provides that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. In this instance, when having regard to the advice of the County Highway Authority with regards to the need for the crossing when considering the impact from the development itself, it is considered a matter for debate as to whether the imposition of a condition would satisfy the tests set out above. Officers' view is that it would be reasonable to have regard to the cumulative effects of other development on highway safety in addition to the users generated by the scheme itself, albeit there would be some issues with regards to the reasonableness of the delivery of one parcel being "responsible" for delivering a highways mitigation measure which is intended to meet the needs generated by a wider range of sites. Officers would also note that the requirement for off-site highways improvements would normally be considered to more properly be a matter to be addressed at the outline application stage (albeit, in this instance, such measures were not identified as required in connection with the wider South East Coalville development at the outline stage (and, in the County Highway Authority's view, this position would appear unchanged)). In view of the advice of the County Highway Authority regarding the demonstrated need for the proposed signalised crossing, the officer view would be that, whilst provision of the facility proposed by the applicant would not be unacceptable (and there are therefore no objections in planning terms to it), it would not appear to be a facility that it would be appropriate to *require* the development to include. However, officers acknowledge that members of the Planning Committee would be entitled to reach a different view on this point, and the list of recommended conditions set out above includes a potential condition requiring the crossing's provision in the event that Committee takes the view that this would be necessary and reasonable in accordance with the tests for conditions set out in the NPPF.

At present, the footway on the southern side of Grange Road ends at a point just to the west of its junction with Hemsley Road. To enable access for pedestrians to the proposed crossing, a new section of footway (in the order of 150m in length) would be required. The area of land to the southern side of Grange Road is currently in the form of an embankment, and engineering works would therefore be required to create a 2m wide plateau to accommodate the new footway. To be able to assess fully the visual impacts of these works (and including in terms of the appearance of any retaining structures and impacts on any existing trees on the embankment), further details of the works have been requested. In response, the applicant advises that they are confident that the footway can be accommodated with minimal disruption; for its part, the County Highway Authority advises that the precise detail of the works to form the footway would be considered as part of a future detailed design process although, given the highway extents in this location, the County Highway Authority advises that it is satisfied that the works are achievable, and would be contained wholly within the highway extents. The County Highway Authority confirms that it would anticipate that some form of retaining feature would be required in connection with the embankment (and as has been provided on the northern side of Grange Road).



Insofar as the potential loss of any trees is concerned, the County Council advises that this would also be considered as part of a detailed design process; whilst the trees expected to be affected by the proposals are within the highway, they are not, the County Council advises, considered to be highway assets in this location. However, should it transpire that they are highway assets after all, suitable remuneration for the Capital Asset Value for Amenity Trees (CAVAT) value of the trees and / or replacement planting would be sought by the County Council as part of a Section 278 agreement.

Insofar as the planning issues relating to the formation of the footway are concerned, it is considered that there would be a likelihood that several trees would need to be removed in order to accommodate the works (whether directly due to their location, or because they could be affected by works further down the embankment). Whereas (in the absence of a detailed arboricultural assessment) it is acknowledged that it would appear unlikely that any trees of particular significance would be lost, a more informed view on this point cannot be reached until such time as a detailed arboricultural assessment has been undertaken and, as a result, a more detailed understanding of the amenity impacts is possible. However, whilst not ideal, on the basis that it would seem unlikely that an acceptable design solution could not be found, it is accepted that, in this instance, this could be secured by way of a condition requiring such details to be provided prior to any such works associated with this element of the scheme taking place. Such details would also, it is considered, need to include further information in respect of the design of any retaining structures; whilst their suitability from an engineering perspective would, it is considered, be suitably dealt with by way of the Section 278 process, from a planning point of view, it would also be necessary to ensure that any such structures are appropriate from a design and visual impact point of view (and including in respect of use of suitable finishes / materials).

Insofar as the convenience afforded by the proposed new crossing is concerned, it is noted that users of the crossing resident within the proposed development within Phase E1 would need to walk to the Hemsley Road junction before proceeding down Grange Road. This would clearly be a somewhat circuitous route (but, if residents were seeking to access facilities in Hugglescote to the west, would not add any distance compared to that travelled if the crossing were adjacent to Hemsley Road). Options for providing a direct pedestrian link between Phase E1 and the crossing location have been explored with the applicant, but it is understood that the site levels would not enable such a link to be implemented. In order to seek to reduce the distance between some of the properties in the northern part of Phase E1 and the Grange Road / Hemsley Road junction,

however, the applicant has introduced an additional pedestrian connection linking to the re-routed right of way within Phase D1. Following the implementation of the works to connect to and enhance the former mineral railway (and as referred to in more detail below), residents of Phase E1 would benefit from linkages to the west via the railway bridge (albeit this route would also not be direct due to the need to return to the (lower) Grange Road level via the new routes within Phases F1 and F2 (Barratt / David Wilson Homes site) to the northern side of Grange Road). Overall, however, the pedestrian accessibility of the site would be considered to be acceptable in this regard, and safe options for crossing Grange Road would be provided.

Internal Layout

Given the limited changes from the earlier scheme, the County Highway Authority again confirms that the submitted scheme would be acceptable in this regard. It is also again noted that, to meet the requirements of the approved design code, additional transition strips will be required (in effect, a tool to provide cues to drivers that they are entering a lower order street typology) to be implemented; it is recommended that this be addressed by way of condition. As previously, off-street parking provision in accordance with the relevant standards in the Good Design for North West Leicestershire SPD and Leicestershire Highway Design Guide would be provided.

Pedestrian Routes / Public Rights of Way

The site is crossed by public rights of way (N50 and N52) (albeit the existing route only relates to the areas of public open space and SuDS features to the southern and south western parts of the site).

Insofar as the impacts on the existing rights of way are concerned, the County Highway Authority draws attention to the need for an application to be made for the diversion of the affected footpaths. In terms of the acceptability of the proposed works to the rights of way, the County Highway Authority had previously acknowledged that the proposed diversions would be suitable in terms of width, surfacing and proposed verge provision, and in accordance with the proposed wayfinding strategy relating to the wider site. The County Highway Authority also draws attention to the proposed addition of an additional connection to the former railway line now shown on the submitted scheme in the vicinity of the temporary construction access; the County Highway Authority acknowledges that this would form a welcome connection, but advises that consideration will need to be given to issues of timing of delivery (and including with respect to future proposals to re-route one of the rights of way along the former railway as part of the wider South East Coalville development).

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

In addition to the items already addressed above relating to the implementation of adjacent open space works, the approved Masterplan Statement also confirms that the works within the proposed Dismantled Railway Corridor (and including the associated recreational route) would be delivered commensurate with the various adjacent residential phases. As per previous approvals relating to phases adjacent to the former railway on the northern side of Grange Road, it is considered appropriate to attach conditions to ensure that the part of the route between Grange

Road and the River Sence is delivered / enhanced as a pedestrian and cycle route in conjunction with the development of Phase E1.

Travel Plan

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, as previously, no objections are raised.

Overall in respect of highway safety, transportation and access issues, the scheme is considered acceptable, and would meet the relevant policy requirements (including Local Plan Policies IF4 and IF7 and Neighbourhood Plan Policies T1 and T2).

Residential Amenity

Having regard to the separation distances between proposed and existing dwellings (in excess of 20m at their closest points), there are no existing neighbours considered to be materially affected by the proposed dwellings themselves; insofar as future residents of the proposed development are concerned, the proposed layout is considered to include appropriate relationships between the new dwellings, providing for an acceptable level of amenity, and for the most part complying with the relevant Local Plan and SPD policies. Whilst some garden areas would not meet the minimum requirement of the SPD (in terms of total area), it is accepted that, in this instance, the harm that would result from this limited shortfall would not be unacceptable, nor would result in any adverse amenity impacts. Further discussion has been held with the applicant on this point and, having regard to the effects resulting from the implementation of changes which could ensure SPD compliance (e.g. “transfer” of space from properties with larger garden areas or relocation of on-plot parking), the view is taken that retention of the scheme as submitted would be preferable overall from a design point of view.

It is noted that objections have been received from occupiers of the recently undertaken development to Phase D1 with respect to amenity impacts arising from vehicles accessing Phase E1 via the earlier phase (including those associated with noise, dust, and fumes). It is also noted that, given the intention of the applicant to utilise a separate construction access direct from Grange Road, these concerns are principally likely to relate to the impacts of vehicles belonging to occupiers of or visitors to the additional dwellings following their completion.

Whilst it is acknowledged that there would be some degree of disturbance from the comings and goings of vehicles along the wider development’s estate roads, the existing dwellings adjacent to the route that would serve the additional properties are not sited unusually close to the road, and such an arrangement would not be an uncommon situation in terms of the numbers of dwellings involved whereby properties closer to the “entrance” to an estate are inevitably passed by vehicles accessing dwellings further beyond. It is also noted that no objections are raised by the District Council’s Environmental Protection team. On balance, it is not considered that the proposals would be unacceptable in this regard, nor in respect of any other residential amenity issues.

Whilst the Parish Council had previously suggested the imposition of a working hours restriction, it is noted that the outline planning permission in effect already secures this. Under Condition 7 of the outline planning permission, no works can commence within a phase of development until such time as a scheme detailing all mitigation measures identified as part of the original

Environmental Statement (and which include compliance with a Construction Environmental Management Plan) has been submitted and approved.

Subject to the above, therefore, the proposals are considered to meet the requirements of Local Plan Policy D2.

Other Matters

Whilst objections have been raised in respect of the proposed dwellings' susceptibility to flooding, it is noted that, in accordance with the original flood risk assessment undertaken at the outline stage, the proposed dwellings would be located within Flood Zone 1 (i.e. land having a less than 0.1% annual probability of river flooding), and would also not be within any areas identified as being at medium or high risk of surface water flooding. Whereas objections have been raised including evidence of recent flooding of the Sence in the vicinity of the site during storm events, these events nevertheless appeared to affect the areas identified as being within Zones 2 and 3 of the Environment Agency flood risk areas and would seem unlikely to have impacted upon the areas within which new dwellings are proposed. Furthermore, flood risk and drainage issues associated with the site have already been dealt with at the outline application stage, and the site is subject to conditions attached to the outline planning permission in respect of these matters. Nevertheless, insofar as the proposed SuDS are concerned (and whilst the precise details would be a matter for discharge of conditions on the outline permission), the general form (including gradient and, as a result, likely requirement for fencing etc.) would, in principle, be capable of meeting the design requirements for such features as set out in the District Council's Good Design for North West Leicestershire SPD. No objections are raised by the Environment Agency or the Lead Local Flood Authority.

It is noted that an "expression of interest" in seeking contributions towards policing has been included within the Leicestershire Police response (albeit with no further details in terms of what contributions would be sought, and what items it would contribute towards). Notwithstanding that no similar expression of interest was made in respect of the previous reserved matters application, it would nevertheless not be considered appropriate to seek Section 106 contributions of this nature at this reserved matters stage. It is noted that a request for funding was made by Leicestershire Police at the outline application stage, but it was concluded at that time that the request did not meet the requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

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 previously raised highway safety concerns as set out in the previous application's reason for refusal are considered to have been addressed to an acceptable degree. It is therefore recommended that reserved matters approval be granted.

SECTION B- OTHER MATTERS

LIST OF APPLICATIONS FOR PLANNING COMMITTEE 5 March 2024

Section A – Planning Applications

Item	Reference	Details	Amend	Print	Sign	Sent
A1	23/01108/FUL					
A2	24/00022/REMM					

Section B – Other Matters

Item	Reference	Details	Amend	Print	Sign	Sent
------	-----------	---------	-------	-------	------	------