

Item No. 3

Application Reference Number P/19/1457/2

---

<b>Application Type:</b>	Reserved Matters	<b>Date Valid:</b>	10/07/2019
<b>Applicant:</b>	David Wilson Homes		
<b>Proposal:</b>	Reserved Matters, (Access, appearance, landscaping, layout and scale), for residential development of 225 dwellings within phase 1 of Outline permission reference: P/13/2498/2. Supported by the Environmental Statement submitted with Outline permission reference P/13/2498/2. (RMA2)		
<b>Location:</b>	Land to the North East of Leicester		
<b>Parish:</b>	Barkby Thorpe	<b>Ward:</b>	Queniborough
<b>Case Officer:</b>	Karen Brightman	<b>Tel No:</b>	01509 632520

---

This item is brought to Plans Committee as it relates to a strategic housing site allocated in the Core Strategy and it is of significant public interest, as it comprises the first set of reserved matters for that site.

This report should be read in conjunction with associated reports relating to applications P/19/1369/2, P/19/1374/ and P/19/1479/2 for the reasons set out in the North East Leicester Phase 1 context note attached to this agenda.

### **Description of the Application site**

The site falls within a much larger area with outline consent for development of a Sustainable Urban Extension. This larger site comprises approximately 360 hectares of mainly agricultural land located to the north- east of Leicester. The northern edge of the site abuts Barkby Lane between Syston and Barkby. The eastern edge is a mix of field boundaries near to Barkby and Barkby Thorpe. The southern boundary of the site adjoins the residential area of Hamilton and the Hamilton business park within Leicester City Council's administrative area.

This current application, along with the three associated applications, which are also in this plans committee agenda, and comprises the majority of the first phase of the Urban extension.

The phase 1 area lies between Barkbythorpe Road and Hamilton Lane/King Street. The southern boundary is defined by Melton Brook and the northern boundary in part by a small planting belt that lies perpendicular to Hamilton Lane. It comprises approximately eight (in whole or in part), agricultural fields divided by established field hedges. There are currently a number of field accesses onto both Hamilton Lane and Barkby Thorpe Road, including a track/bridleway that joins Barkby Thorpe Road in the south west corner of the site. Existing vegetation within the site is largely limited to single mature trees within existing field hedges and a belt of mature trees alongside Melton Brook. The Hamilton Lane planting belt to the north is relatively recently established and comprises a mix of evergreen species and native rural planting. Directly to the west of the site is an established copse of trees that are highly visible

from the surrounding landscape. Levels generally rise gently up from Melton Brook towards Barkby and Barkby Thorpe.

## **Description of the Proposal**

This application relates to parcel 1.3 of the phasing plan and comprises a housing development of 225 homes by David Wilson Homes. The housing is located to the north of a green corridor that runs east west across phase 1. To the east lies land subject to a planning application by William Davis and to the north is an area that is currently open countryside, but which will ultimately be developed as orchard and parkland as part of the wider development.

The development would initially be accessed via a T junction with Barkbythorpe Road although as the site and surrounding developments progress there would also be indirect access to Hamilton lane to the east. Beyond this phase of the Sustainable Urban extension the access to this parcel would be subsumed into a system of residential roads as residential development continues to the west of Barkbythorpe Road.

A road of the secondary type within the Design and Access Statement hierarchy, (5.25m – 6m wide Type A), runs east west through the development serving a series of cul de sacs and lanes around which the housing is grouped. This typically takes the form of outward facing blocks. Focal points along the A/B road have been created using landscaping and building orientation in several locations.

The application includes the following supporting documents & plans:

- Application form
- Site location Plan – red line
- Existing Topography (6 plans)
- Supporting statement June 2019
- Transport Statement November 2019
- Technical Note Phase 1 Accesses November 2019
- SuDs Technical Note
- Specification for Engineered Fill
- Arboricultural Report

It includes the following **illustrative** plans:

- Indicative Composite Plan rev V
- Proposed Street scenes (Various)

It seeks approval for the following plans common to all the phase 1 applications:

- Drainage and levels Appraisal (3 plans) rev D, E, D
- Drainage Layout (3 plans) rev A
- Drainage Construction Details (3 plans)

- Cut and Fill Appraisal Plan rev C
- East Field Spoil Capacity Layout Plan rev A
- Highway Construction Details (2 plans)
- Vehicle Tracking (3 plans) rev A
- Kerbing and Surfacing finishes (3 plans)
- Phase 1 access Barkbythorpe Road South Rev G
- Phase 1 access Barkbythorpe Road North Rev G
- Phase 1 access Hamilton Lane North rev C
- Phase 1 access Hamilton Lane South rev F

It seeks approval for the following plans specific to this application:

- Planning Layout Rev P
- Materials Layout Rev A
- Boundary Treatments layout Rev A
- Surface Treatment layout Rev A
- Chimney & Eaves layout Rev A
- *Bin storage & refuse plan Rev A*
- Street Hierarchy Plan Rev A
- *Execution strategy Rev A*
- House Type & garage Plans, (as per table at condition 2)
- Soft Landscape plans (sheets 1-3) Rev C
- Boundary Treatment details, (as per table at condition 2)

It is considered that the bin storage and refuse plan should be excluded from approval under these reserved matters, as it is important to consider this matter across the phase as a whole (even if this is by way of separate parcel plans considered side by side), pursuant to condition 18 of P/13/2498/2.

It is not considered appropriate to treat the Execution Strategy plan, (which sets out the building programme for this parcel) as a reserved matter as this lies outside the scope of layout, appearance, scale and landscaping and is controlled by both the Site wide Phasing Plan and within the Construction Management Plan to be approved under condition 7 of the outline.

Accordingly, both these plans have been excluded from the plans list at schedule 1.

### **Development Plan Policies**

The Development Plan for Charnwood currently consists of the Charnwood Local Plan Core Strategy 2006-2028, Saved Policies of the Borough of Charnwood Local Plan (2004), the Leicestershire Minerals Core Strategy and Development Control Policies Document (2009), and the Leicestershire Waste Core Strategy and Development Control Policies document (2009). Several neighbourhood plans also apply in specific areas of the Borough.

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

*Policy CS2 – High Quality Design* – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

*Policy CS3 Strategic Housing Needs* - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

*Policy CS 11 Landscape and Countryside* - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

*Policy CS13 Biodiversity and Geodiversity* - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

*Policy CS16 Sustainable Construction and Energy* - supports sustainable design and construction techniques.

*Policy CS 19 North East of Leicester Sustainable Urban extension* – establishes the principle of the urban extension. It in effects allocates it for the development permitted by the outline/hybrid application.

For housing the policy seeks a wide range of housing type and tenure including affordable housing and extra care housing.

With regard to community facilities it supports primary schools as focal points within the community and seeks delivery of other community facilities within an early phase of the wider development.

For transport the policy requires well connected street patterns and walkable neighbourhoods with safe and direct walking, cycling and public transport routes. Cycling and walking routes should relate to the green infrastructure and connect to employment and transport.

Environmental aims of the policy include responding to the landscape and surrounding areas to create a locally distinctive environment, protecting, enhancing and creating wildlife corridors, reducing carbon emissions, designing spaces and buildings that are resilient to climate change, providing sustainable drainage, reducing flood risk and enhancing water quality.

*Policy CS 24 Delivering Infrastructure* – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

*Policy CS25 Presumption in favour of sustainable development* - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

*Policy EV/1 Design* - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

*Policy TR/18 Parking in New Development* - This seeks to set the maximum standards by which development should provide for off streetcar parking.

### **Other material considerations**

The National Planning Policy Framework (NPPF 2019)

The NPPF sets out the government's view of what sustainable development means in practice for the planning system. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

The NPPF policy guidance of **particular relevance** to this proposal includes:

*Section 5: Delivering a sufficient supply of homes*

The NPPF requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 59). Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 61). The NPPF notes that the supply of new homes can sometimes be best achieved through planning for larger scale development such as new settlements or extensions to existing villages

*Section 8: Promoting healthy and safe communities*

Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

### *Section 9: Promoting Sustainable Transport*

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 111). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 103). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 104). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 109).

### *Section 12: Requiring well-designed places.*

The NPPF recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 124).

Paragraph 127 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The role of design review arrangements that assess, support and ensure high standards of design are recognised (paragraph 129) and the NPPF notes that great weight should be given to innovative designs which help raise the standard of design (paragraph 131) and that poor design should be refused (paragraph 130).

### *Section 14: Meeting the challenge of climate change, flooding and coastal change*

New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 149). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 153) and renewable and low carbon energy development should be maximised (paragraph 154).

### Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework.

### Leading in Design Supplementary Planning Document (February 2006)

This document encourages and provides guidance on achieving high quality design in new development. Appendix 4 sets out spacing standards for new housing developments to ensure that overlooking and over dominance do not occur and that a good quality design is achieved.

### Leicestershire Highways Design Guide

The Leicestershire Highways Design Guide deals with highways and transportation infrastructure for new developments. It replaces the former 6C's Guidance.

### Leicestershire County Council Local Transport Plan (LTP)

This sets out Leicestershire County Council's strategy for delivering improvement to accessibility, connectivity and for promoting social inclusion and equality.

### Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

### Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)

The SPD provides guidance on affordable housing to support Core Strategy Policy CS3.

### Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.

Where an outline application has been submitted with an Environmental Statement any subsequent applications that are submitted, such as reserved matters, are considered to be supported by the original Environmental Statement. However, the decision making authority has to satisfy itself that the Environmental Statement remains pertinent and can ask for further information or an addendum to it if the subsequent application raises new matters or if there has been a material change that affects it.

#### Conservation of Habitat and Species Regulations 2010 (as amended)

These Regulations contain certain prohibitions against activities affecting European Protected Species, such as bats.

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

#### Protection of Badgers Act 1992

Badgers are not European Protected Species but are subject to protection under the above Act. This Act includes various offences, including wilfully killing, injuring or taking a badger or deliberately damaging a badger sett. A license is required from Natural England where development proposals may interfere with badger setts.

#### Design Supplementary Planning Document

Cabinet has approved the Design Supplementary Planning Document, but at the time of writing this report the document is within the call-in period. This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life. In its draft form, the document carries some but not full weight. Members will be updated with regards to the document's status and weight in the Extras Report.

#### **Responses of Consultees**

The table below sets out the responses that have been received from statutory consultees with regard to the application. Please note that these can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

<b>Consultee</b>	<b>Response</b>
Leicestershire Lead Local Flood Authority	Notes that drainage for the site is dealt with under P/19/1369/2. There are no objections to this following further detail relating to drainage being submitted.



Sport England	Makes no comment on the application but offers standing advice
Housing Strategy & Support	Seeks clarification on the layout of the tenure of the affordable units but comments that the house types, mix and layout are compliant with the Section 106 legal agreement.
Environment Agency	No formal comment made
Leicestershire Police	No formal objection is made. General guidance for the development as a whole is offered. It is also advised, with regard to these reserved matters, that hammer heads reduce permeability, appropriate lighting is used, and CCTV is considered.
Environmental Health	Raise no environmental protection concerns
Leicestershire County Council - Highways	Comment that the site access is safe and suitable and that it will operate within capacity. Internal design to adoptable standards is recommended and could be achieved. Parking provision is considered to be acceptable. It is noted that in excess of 150 dwellings are served of a single access and that this is not standard practice. However, in this instance there are no specific capacity, safety or emergency considerations and that this coupled with the longer-term links within the phase makes this acceptable for a period of time.

### **Other Comments Received**

None received which are specific to this application although there are comments generic to all four reserved matters applications which are reported within the context note.

### **Consideration of the Planning Issues**

These are reserved matters but the principle of developing the wider site for housing and associated infrastructure has been agreed as part of the Outline/hybrid planning permission. In the case of this application what lies to be determined is whether the detail submitted, with regard to the housing development in parcel 1.3 of the phasing plan, is acceptable in terms of scale, layout, appearance and landscape.

The main considerations are considered to be:

- Whether these reserved matters are within the terms of the outline/hybrid consent (the principle of the development)
- Whether these reserved matters are of a high-quality design
- Living conditions for future occupiers
- On plot landscape and street scene
- Housing mix
- Parking and access

Whether these reserved matters are within the terms of the outline/hybrid consent

There are approved plans and documents that this reserved matters application must meet to remain within the terms of the outline/hybrid consent. These are:

- The approved parameter plans
- The concepts outlined within the Design and Access Statement
- Relevant planning conditions of the outline permission

Planning permission was granted subject to the reserved matters applications complying with 6 parameter plans. The table below lists them and provides a brief assessment of whether the current application complies with them:

Parameter Plan	Compliance	Verdict
Development extent	The development proposed falls within the defined area	Yes
Density	The development reflects an average density that would broadly fall within the “up to 30 dwellings per hectare” band.  Although there is not complete replication of the banding this was not the intention with variance introduced by way of a 10% tolerance (other than for sensitive edges). There is a decrease in density towards the sensitive northern border.	Yes
Building Heights	These are set as a height above existing ground level and for the majority of the site this is 11m. However, there are boundary zones where this height is reduced to 8.5m such as along the northern boundary. Within this application the majority of the buildings fall beneath the defined 8.5 parameter for height and the lower band edge has been used to restrict building heights to 2 storeys.	Yes
Access	The area shown for the Main streets outside this application area. There is a Public Right of Way that runs through the westernmost part of the site for which an alternative route needs to be identified. It is suggested a condition securing details of this is attached to associated application P/19/1369/2.	Yes
Land Use	The proposal is for residential use which is what the parameters plan sets out.	Yes
Landscape Infrastructure	The site is enclosed by green infrastructure corridors which fall within defined parameters – these are covered by application P/19/1369/2	Yes

The Design and Access Statement set out 7 design objectives which were used to inform the concept and masterplan for the Sustainable Urban Extension as a whole. From the Masterplan certain parameters were fixed, (see above), character areas were defined for place making purposes, and the principle a hierarchy of streets was

set out. Additionally, Sustainability objectives were set out. Areas of the Design and Access Statement that are particularly relevant to these reserved matters are set out in the table below along with a simple assessment:

D & A Concept	Assessment
<b>Street Hierarchy</b>	
<p>Road Types A and B – (A= 5,25m-6m wide, 1.8m-2m wide footway, hard verges, tree and shrub planting &amp; direct Plot access. B= similar dimensions but with more variation in street width, soft verges and more frequent planting)</p>	<p>The Design and Access Statement defines these as similar street types with type B being more organic and having greater levels of tree planting. It says type B roads should be located within the north and south east of the masterplan area. Although the Design and Access Statement uses the distinction between A and B roads across the wider site both have been used within this development parcel to define hierarchy (there are both type A and type B roads which relate to use and status of the road). The road types themselves are in broad compliance with the principles set out within the Design and Access Statement. It is not considered that this slight variance with the overarching Design and Access Statement principle is harmful to the design of the scheme particularly as it has been used across the phase.</p>
<p>Lanes/shared Surface areas</p>	<p>These form the finest grain in the street hierarchy. There are both “lanes” and shared drive areas within this layout which are in broad compliance with the principles set out within the Design and Access Statement.</p>
<p>Cycleways/pedestrians</p>	<p>The Design and Access Statement sets out a suggested network of dedicated and safe cycle routes based on the illustrative masterplan. The cycleways fall outside this reserved matters application although there is connectivity to this network and a network of connected footways.</p>
<b>Character Areas</b>	
<p>Village Housing</p>	<p>There are distinct character parcels of housing, (defined by different developers), which are connected by the linear open space which enhance the setting of the parcels. The Design and Access Statement suggests a loose structure to the area with lower density housing and an informal feel. A varying building line and lower densities towards the edge of the scheme are suggested. The proposal comprises low density housing that complies with this broad advice. There are limited variations in building line although there are some examples of this.</p>
<b>Sustainability</b>	

This reserved matters application provides homes which will comply with part L of the Building Regulations “conservation of fuel and power”. This section of the regulations is currently undergoing amendment (anticipated 2020) and the new homes subject to this application will be subject to the regulations as amended. The amendments will see a significant change in that energy efficiency will need to be designed into the fabric of the building rather than achieved by way of additions to the finished product. This coupled with the overall sustainability credentials offered by P/19/1369/2 ensure the development complies with sustainable construction requirements

There are a number of planning conditions attached to the outline/hybrid permission that the reserved matters must comply with. Some of these relate to the phasing of the development and the programme for submitting further information and are dealt with later in this report. Others seek to guide the details of the development and include conditions ensuring compliance with approved plans and documents, meeting with highway guidance and ensuring appropriate finished floor levels. This set of reserved matters does not conflict with the provisions of these conditions.

To conclude the reserved matters are compliant with the broader parameters set out within the outline/hybrid planning permission and as such it is considered they are acceptable in principle.

Whether these reserved matters are of a high-quality design

Policy CS2 seeks high quality design for all new development and sets out general design principles that should be used to achieve this. Policy CS19 builds upon this in the context of North East Leicester and envisages a locally distinctive development that responds to landscape context. With particular regard to these reserved matters a pleasant low-density residential character has been created which reflects the character area criteria within the Design and Access Statement. It is important to remember that this area forms only a relatively small part of the edge of the SUE and that it is an area where a soft blend with surrounding countryside is sought. Areas more central to the SUE are envisaged for higher density development and potentially less traditional building designs.

The National Design Guide sets out important design characteristics which are integral to any development. Whilst this proposal must sit within the framework of the approved Design and Access statement which predates this document it is useful to briefly look at the proposal in terms of the 10 characteristics. The table below provides a short summary:

Characteristic	Assessment
Context	The proposal has little immediate local context to relate to and that which exists will be subject to rapid change as the wider SUE is developed. It does, however, contain a soft edge to existing countryside/future parkland to the north and accommodate an improved drainage feature. As it has been designed alongside other parcels of

	housing it will share a joint context with the remainder of phase 1.
Identity	The development achieves an identity which comes from the interaction of the elements within it. It is clearly contained by the green corridors and has been designed so that there are small character areas within it. There are vistas towards adjoining green areas and landmark buildings, (including brick detailing on several buildings) have been used.
Built Form	The development uses an outward facing block structure with buildings that have a stronger identity at nodes (chimneys or different materials) whilst the surrounding rural context requires a lower density of development it is walkable with a system of footways/cycleways and public transport. As the wider SUE is developed the permeability and walkability of the proposal will improve due to new development, with a wider mix of uses, taking place in adjacent phases
Movement	The development has a clearly defined hierarchy for movement. There are distinct road types and transport choice is offered.
Nature	Within the development and the surrounding infrastructure there are high quality greenspaces which perform a number of functions, including play. Within the reserved matters area itself this is more limited as it is purely confined to small scale landscaping opportunities being reliant, as it is, on the adjacent reserved matters.
Public Spaces	Small scale open spaces have been used around prominent junctions within the development to provide visual enjoyment. However, the development is reliant on separate reserved matters to bring forward larger scale open spaces which are multi-functional. The hierarchy of streets itself lends interest to public areas and the block structure ensures active frontage.
Uses	As this relates to a small area of the SUE it does not contain a variety of uses. The wider SUE will perform this function well.
Homes and Buildings	These are traditional family homes and as such do not contain any unique design features. The house types proposed meet with national guidance relating to internal space and provide outdoor areas and opportunities for storage.
Resources	Whilst the details of construction are beyond the scope of this reserved matters the housing will be constructed to meet with Building Regulations part L. This emphasises efficient use of energy and uses a fabric first approach. The site will be drained via

	sustainable drainage systems both within the site and in adjacent reserved matters areas.
Lifespan	The proposal is designed to be robust with traditional brick-built units and management proposals in place for communal areas.

The outline/hybrid application was approved on the basis that the design principles set out within the Design and Access Statement were adhered to as they achieved the aims of the then emerging policy CS2 and its forerunner, policy EV/1. The main reserved matters features reflect the principles set out within the approved Design and Access Statement and accordingly are of an appropriate and high-quality design which accords with the development plan. As the analysis above shows, new national guidance, that has emerged since the original Design and Access Statement was approved, does not introduce any new material considerations that would override these policies.

#### Living conditions for future occupiers

Policy CS2 seeks to ensure that appropriate standards of amenity are achieved for future and existing residents. The development is not close enough to existing residential areas to have a direct impact on the amenity of existing residents.

Within the reserved matters area itself plots are orientated and spaced in a way that ensures there is adequate privacy, light and that principle elevations and garages have a reasonable outlook. Guidelines set out within the SPD which supports the Development Plan are all met in this regard. There are some relationships within the blocks where side elevations are close to adjacent gardens but in these instances appropriate selection of house types has been used to ensure any potentially overlooking first floor windows only serve bathrooms or landings. A planning condition could be attached to withdraw permitted development rights on these plots to ensure additional first floor windows are not added without due consideration.

There are some plots where the distances between buildings and adjacent gardens or the distances between opposing elevations is very close to the guideline. It is suggested a condition is attached to ensure that extensions or alterations which would be harmful to amenity cannot be built using permitted development rights without due consideration as to whether there would be harm to amenity.

It is considered that the proposal meets with the provisions of development plan policy CS2 in terms of residential amenity.

#### On plot landscape and street scene

Policy CS2 seeks to ensure that development is of high quality and that it includes attractive public spaces. Policy CS19 requires the SUE to create locally distinctive development. The reserved matters application includes details of on plot and street landscape within the public realm. For this set of reserved matters this includes:

- A public open space with 5 good sized street trees to the front of plots 151-154

- Street trees to reflect the street hierarchy set out in the Design and Access Statement
- Groupings of trees/shrubs and open space around key junctions
- Smaller trees and shrubs within lanes and shared surface areas
- Planting to break up parking areas
- Open vistas of the green corridors and planting surrounding the housing parcels

These features soften the more engineered features of the development and help create place and identity. It is considered that gives the area character and identity in accordance with the provisions of the development plan.

### Housing mix

Policy CS3 requires an appropriate level of affordable homes and a mix of type, tenure and size of home having regard to need and character of the area. CS19 seeks 30% affordable homes across the SUE and also a mix of type, tenure and size of home.

### *Affordable Housing*

This reserved matters application operates within the overall parameter set by the section 106 legal agreement and varied by the Site Wide Affordable Housing Delivery Plan, (SWAHDP), in terms of the amount of affordable housing. The section 106 agreement sets a figure of 25% across the site for affordable housing, which is the basis that the outline/hybrid was approved on. The Site Wide Affordable Housing Delivery Plan sets the percentage at 20% for phase 1. This is because this is a low relatively low-density area of the development and one which is located away from the core facilities offered by the new district centre. The Site Wide Affordable Housing Delivery Plan shows how later phases of the development will make up for this deficit ultimately delivering the 25% that is required.

In terms of dwelling size, the affordable housing mix compares with the Site Wide Affordable Housing Delivery Plan as per the table below:

<b>Affordable – 20%</b>			
<b>Size</b>	<b>No</b>	<b>%</b>	<b>SWAHDP %</b>
1 Bed	12	26%	13%
2 Bed	22	49%	50%
3 Bed	9	20%	33%
4+ bed	2	4%	4%

This shows the proportion of 1-bedroom units to be significantly higher than the site wide figure with a deficit in larger units. This is in response to a need to secure a viable mix thus allowing delivery of this critical first phase of the SUE giving financial security and momentum to the wider scheme. This must again be viewed in the context of the wider site. The section 106 agreement sets out that 116, (10%) of the affordable units should be one bedroom across the whole development and this is increased within the Site Wide Affordable Housing Delivery Plan to 13% to reflect mix changes sought by CBC housing officers. Whilst the mix for these reserved matters does not match that

within the Site Wide Affordable Housing Delivery Plan, any imbalance within this profile will need to be addressed within later phases to ensure compliance with the Site Wide Affordable Housing Delivery Plan.

The Council’s SPD sets out guidance for the design and layout of affordable housing within policy HSPD8. This requires affordable housing to be “tenure blind”, to be distributed in clusters of less than 10 units, (the s106 Agreement which predates this does, however, only restrict affordable housing clusters to 20), and to avoid unnecessary communal areas. Gardens and on plot parking are noted as preferable. The house types are not immediately distinguishable with some variance, they are set out in clusters of 10 or less and most have private gardens. They are however generally set out around communal parking areas with only a limited number that have on plot parking. It needs to be remembered that this is a guideline only and that there is no requirement for a proposal to meet each and every of the guidelines in order to be acceptable. On balance, the affordable housing layout is considered to meet with the tenet of HSPD8.

### *Market Housing*

A similar exercise can be carried out for market housing. There is no site wide target for this although The Housing and Economic Needs Assessment for Leicestershire, (HEDNA), provides an indication of borough wide need.

<b>Market – 80%</b>			
<b>Size</b>	<b>No</b>	<b>%</b>	<b>HEDNA%</b>
1 Bed	0	0%	0-10%
2 Bed	5	3%	25-35%
3 Bed	47	26%	45-55%
4+ bed	128	71%	10-20%

This shows that this reserved matters application does not reflect the needs set out within HEDNA in terms of housing size due to the disproportionate number of larger homes. However, policy CS3 states that an appropriate mix should be the product of both need AND character of the area. This parcel is located on the edge of the SUE adjacent to open countryside/future parkland in an area the D&A envisages to be low density and loose knit. In addition, the approved parameter plan suggests lower density development, (20 and 30 dph), at this sensitive northern border for similar reasons. This does not lend itself to a mix of smaller units, particularly when the need to use this phase to “kick start” the wider delivery is taken into account. Small units would either have to be built at a density which would be harmful to the character of the area or would impact on the viability of the scheme. For this reason, it is considered that the proposal remains in compliance with policy CS3 (when read as a whole).

As with the affordable housing, although not a set requirement, there will be an expectation that later phases will respond to market needs at that time and redress any imbalance across the wider site.

### Parking and access



Policy CS2 seeks well designed streets and spaces that are easy to navigate and safe public spaces. The Highway Authority has reviewed the internal layout of roads and looked at parking provision across this reserved matters area.

Given the quantum of development, the Highway Authority advocates that the design of the internal road layout is to adoptable standards. This enables the roads to be offered for adoption and future maintenance by the Highway Authority. With this in mind an assessment against the standards set out in the Leicestershire Highway Design Guide has been made and it has been concluded that with minor amendments (Repositioning of trees, revisions to traffic calming positions and confirmation of tracking).

Parking provision has also been assessed and the following conclusions met:

- The smallest parking spaces onsite measure 2.4m x 4.9m which are for Plots 54-56;
- All other parking spaces are a minimum of 2.4m x 5m;
- Double Garages are measuring 5.5m x 5.5m however the house types with these provide sufficient parking;
- The shared double garages are 6.5m x 6.5m;
- It is considered that in general, the dwellings have been given appropriate amounts of parking in relation to the number of bedrooms indicated.

Accordingly, the Highway considers that these reserved matters provide a safe and viable internal layout which can comply with its guidance and be adopted. Those changes which are suggested before adoption are minor in nature and would not compromise the overall design quality of the scheme. The proposal I considered to comply with policy CS2 with regard to this aspect of its design.

### Conclusion

This set of reserved matters is considered to be in compliance with the parameter plans and Design and Access Statement set out in the outline/hybrid permission. This means that they are acceptable in principle and that they comply with the Development Plan in this regard.

With regard to layout, scale, appearance and landscape, it is considered the application achieves a high-quality design which provides a good standard of amenity for future residents and does not give rise to material landscape harm. Appropriate landscaping is provided throughout the development to support design quality. There is no residual significant harm in terms of biodiversity, traffic or other environmental impacts that falls outside that recognised within the outline/hybrid planning permission. The development supports the delivery of housing in accordance with Charnwood's core strategy policy CS19. The mix of housing across the parcel has shortcomings in terms of meeting need but when balanced against character of the area this is considered to meet with policy CS3. The housing development would bring clear economic and social benefits. On balance it is considered to be a sustainable

development that accords with the development plan and it is recommended that these reserved matters be granted subject to conditions

**Recommendation:**

This permission is granted subject to the following Planning Conditions and Reasons:-

1.	<p>The development, hereby permitted, shall be begun not later than <b>18 months</b> from the date of this permission.</p> <p>REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>The development hereby permitted shall be carried out in accordance with the approved plans listed in <b>schedule1</b>.</p> <p>REASON: To provide certainty and define the terms of the permission</p>
3.	<p>No site clearance, preparatory work or development shall take place until a <b>scheme for the protection of the retained hedge</b> along the watercourse/ditch detailed in the Arboricultural Survey and Plans and listed within the amended landscape design statement, has been submitted to and approved in writing by the local planning authority. The agreed protection measures shall be carried out prior to any site clearance, preparatory work or development commencing within the protection area for the hedge so defined within the agreed protection scheme.</p> <p>REASON: To ensure that those trees and hedges indicated for retention are protected during construction. This is to ensure compliance with the objectives set out within the Design and Access statement, to protect biodiversity assets and to ensure compliance with policies CS2, CS11, CS13 and CS19 of the Development Plan. The condition has to be discharged pre commencement as it relates to measures that must be implemented before construction or site clearance start.</p>
4.	<p>Notwithstanding condition 2. no development shall take place until a scheme for the treatment of the <b>Public Right of Way</b> crossing the site has been submitted to and approved in writing by the local Planning Authority. Such a scheme shall include provision for their management during construction, surfacing, width, structures, signing and landscaping. It shall also include a timescale and a mechanism for any necessary stopping up, diversion and reclassification of the Right of Way affected by the development. The development shall be carried out in accordance with the approved scheme and thereafter so retained.</p> <p>REASON: To protect existing Rights of Way and ensure permeability through the site in accordance with the approved parameter plans, policies</p>

	<p>CS2 and CS19 of the Development Plan and paragraph 98 of the National Planning Policy Framework. The condition has to be discharged pre commencement as it relates to measures that must be implemented before construction starts.</p>
<p>5.</p>	<p>No more than 244 dwellings across the phase, (as covered by this application and associated applications; P/19/1369/2, P/19/1374/2 and P/19/1479/2), shall be occupied until the <b>green infrastructure</b> within phasing parcels 1.1, 1.3 and 1.8, (as defined on the site wide phasing plan) and the NEAP within parcel 1.2, have been completed and made available in accordance with the details approved under associated application P/19/1369/2.</p> <p>REASON: To ensure that green infrastructure of sufficient quality to meet development plan policies CS2, CS15 and CS19 is provided. Furthermore, the condition seeks to ensure that it is supplied within the timeframe set out within the section 106 agreement and the approved site wide phasing plan.</p>
<p>6.</p>	<p>No more than 604 dwellings across the phase, (as covered by this application and associated applications; P/19/1369/2, P/19/1374/2 and P/19/1479/2), shall be occupied until the <b>remaining green infrastructure</b> within phasing parcel 1.2, ( as defined on the site wide phasing plan), has been completed and made available in accordance with the details approved under associated application P/19/1369/2.</p> <p>REASON: To ensure that green infrastructure of sufficient quality to meet development plan policies CS2, CS15 and CS19 is provided. Furthermore, the condition seeks to ensure that it is supplied within the timeframe set out within the section 106 agreement and the approved site wide phasing plan.</p>
<p>7.</p>	<p>In the event that this planning application, (P/19/1457/2), is delivered in excess of <b>18 months</b> in advance of development commencing on associated applications for the phase, and in particular on application P/19/1369/2, no more than 180 dwellings shall be occupied until the following temporary or permanent facilities have been provided and made available for use of the occupants of the development, unless a variation to this is agreed in writing by the local planning authority:</p> <ul style="list-style-type: none"> <li>• 0.4 Ha of green amenity space within the cricket green area and surrounding linear parks</li> <li>• 1.17 Ha of Natural Open Space (to include the open space/forest garden to the north)</li> <li>• The LEAP immediately to the south and a NEAP within an area accessible to the development</li> <li>• 1.5Ha for outdoor sports</li> <li>• A pedestrian link to Hamilton, (using the existing right of way as necessary)</li> </ul> <p>REASON: It is possible that this development could be implemented</p>

	<p>significantly in advance of surrounding parcels and for this reason it is important to ensure that there is green infrastructure in place to support residents of the scheme and ensure compliance with development plan policy CS15.</p>
8.	<p>No dwelling shall be occupied until <b>surface water drainage</b> to serve that dwelling, which accords with the surface water drainage scheme for the phase, to be approved under condition 8 of P/13/2498/2, has been completed and made available.</p> <p>REASON: To ensure there is no risk of flooding within the development or surrounding areas as a result of approved drainage detail not being implemented in a timely manner and to ensure compliance with development plan policies CS16 and CS19.</p>
9.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional first floor windows, other than those expressly authorised by this permission, shall be constructed on those elevations listed at <b>schedule 2</b> below.</p> <p>REASON: To ensure that there is no overlooking of adjacent gardens in the interest of ensuring good standards of amenity for future occupiers in accordance with policy CS2 of the development plan.</p>
10.	<p>Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations shall be carried out to plots <b>43, 168, 200, 205 or 206</b>.</p> <p>REASON: These plots all contain dwellings which are close to the boundary with adjacent dwellings and where additional built form, windows or internal reconfiguration could give rise to loss of amenity to adjacent dwellings. The condition is to ensure that the development remains in accordance with policy CS2.</p>
11.	<p>Notwithstanding the plan submitted the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the first floor unit at <b>plot 74/75</b> shall be configured so that the kitchen and living room windows face southeast and no additional windows, (other than a single bedroom window as per the handed house type), shall be added to north west elevation.</p> <p>REASON: To ensure there is no overlooking of the garden area to plots 76 and 77 which would give rise to a loss of amenity and ensure the development remains in compliance with policy CS2 of the development plan.</p>
12.	<p>No dwellings shall be occupied until the <b>access arrangements</b> shown on</p>

	<p>Brookbanks drawing 10214HL-11 rev G have been provided and made available for use. The proposed access shall be retained in this form until such time as it is varied by way of approval in writing by the Local Planning Authority associated with later phases of the development overall.</p> <p>REASON: To ensure that there is safe access and egress of the development parcel for future occupiers in the interests of highway safety and to ensure compliance with policies CS2, CS18 and CS19.</p>
13.	<p>No dwellings shall be occupied until the <b>offsite highway works</b> shown on Brookbanks drawings 10214-1200-01 Rev D and 10214-1200-02 rev F have been provided and made available for use.</p> <p>REASON: To mitigate the impact of the development on the surrounding area in the interests of highway safety and to ensure compliance with policies CS18 and CS19 of the development plan and paragraph 109 of the National Planning Policy Framework.</p>
14.	<p>Within 1 month of the new vehicle accesses permitted by condition 11 being first brought into use any <b>currently existing access(es)</b> onto Barkbythorpe Road that become redundant as a result of this proposal shall be closed and reinstated in accordance with details submitted to and approved in writing by the Local Planning Authority. The redundant accesses shall thereafter be so retained.</p> <p>REASON: In the interests of Highway and to ensure compliance with policies CS18 and CS19 of the development plan and paragraph 109 of the National Planning Policy Framework.</p>
15.	<p>Notwithstanding condition 2. any <b>garage doors</b> shall be set back from the highway boundary a minimum of 5.5m for sliding or roller shutter doors, 6.1m for up and over doors and 6.5m for doors opening outwards and shall thereafter be so retained.</p> <p>REASON: To enable a vehicle to stand clear of the highway whilst doors are opened or closed and to ensure that adequate on street parking is provided in the interest of highway safety and to ensure compliance with policies CS2 and CS18 of the development plan and paragraph 109 of the National Planning Policy Framework.</p>
16.	<p>No dwelling shall be occupied until the <b>parking and turning</b> facilities for that dwelling have been provided in accordance with the plans listed at schedule 1.</p> <p>REASON: ensure that adequate on street parking is provided in the interest of highway safety and to ensure compliance with policies CS2 and CS18 of the development plan and paragraph 109 of the National Planning Policy Framework.</p>



## Schedule 1

Drawing	Reference	Revision	Author
Site Location Plan	H7941-013-01	A	
Planning Layout	H7941-001-01	T	DWH
Materials Layout	H7941-002-01	B	DWH
Boundary Treatment Layout	H7941-03-01	B	DWH
Surface Treatment Layout	H7941-04-01	B	DWH
Chimney & Eaves Layout	H7941-005-01	B	DWH
Street Hierarchy Plan	H7941-0025-01	B	DWH
Soft landscape 1	GL1124-01	D	Golby & Luck
Soft landscape 2	GL1124-02	D	Golby & Luck
Soft landscape 3	GL1124-03	D	Golby & Luck
1800mm personnel gate	RD-SD13-103	-	DWH
1200mm Ball Top Railing	RD-SD13-108	-	DWH
1000mm Four Bar Railing	RD-SD13-109	-	DWH
1800mm High Screen Wall	RD-SD13-111	-	DWH
450mm Timber Post	RD-SD13-114	-	DWH
1800mm Close Board Fence	RD-SD13-151	-	DWH
<b>House types</b>			
P204.EC7	P204.E-05-08	-	DWH
P230-7	P230.D.01-04	-	DWH
P231-VD7	P231.VD.05-08	-	DWH
P341-D7	P341.D.09-12	-	DWH
P341-WD7	P341. WD.09-12	-	DWH
P341-E-7	P341.E.05-08	-	DWH
P382-E-7	P382.E.05-08	-	DWH
P382-I-7	P382.I.05-08	-	DWH
T310-E-7	T310.E.01-04	-	DWH
T310-I-7	T310.I.01-04	-	DWH
H403-C7	H403.05-08	-	DWH
H417-7	H417.09-12	-	DWH
H421-7	H421.09-12	-	DWH
H436-X7	H436.09-12	-	DWH
H436-X7 Thorpebury Special	H436.20-21	-	DWH
H455-7	H455.09-12	-	DWH
H469-X7	H469.05-08	-	DWH
H486-7	H486.05-08	-	DWH
H497-7	H497.05-08	-	DWH
H533-7	H533.09-12	-	DWH
H533-7	H533.05-08	-	DWH
H588-7 Thorpebury Special	H588.20-21	-	DWH
H588-7	H588.09-12	-	DWH
H597-7	H597.05-08	-	DWH
SF11 GAN4_FAN4 Plots, 149/50, 155/6	SF11.05-08	ALT	DWH
SF11 GAN4_FAN4	SF11.05-08	-	DWH
SH50-E-7	SH50.E.05-08	-	DWH
SH50-I-7	SH50.I.05-08		
SH52-E-7	SH52.E.05-08		
SH52-I-7	SH50.I.05-08		
SH54-E-7	SH54.E.05-08		
SH55-E-7	SH55.E.05-08		
<b>Garages</b>			
LSG1H7	LSG1H7.01		
LSG2S7	LSG2S7.01		
SDG1H8	SDG1H8.01		
LDG2H7	LDG2H7.01		

LTG2H7	LTG2H7.01		
<b>Cross Phase Plans</b>			
Cut & Fill Appraisal Plan	HXXXX-002-01	C	DDS
East Field Soil Capacity Layout	HXXXX-005-01	A	DDS
General Arrangement (infrastructure)	HXXXX100-01	-	DDS
General Arrangement (infrastructure)	HXXXX100-02	-	DDS
General Arrangement (infrastructure)	HXXXX100-03	-	DDS
Drainage & Levels Appraisal 1	HXXXX-001-01	D	DDS
Drainage & Levels Appraisal 2	HXXXX-001-02	E	DDS
Drainage & Levels Appraisal 3	HXXXX-001-03	D	DDS
Drainage Layout 1	HXXXX-101-01	A	DDS
Drainage Layout 2	HXXXX-102-01	A	DDS
Drainage Layout 3	HXXXX-103-01	A	DDS
Surface Finishes Layout 1	HXXXX-102-01	-	DDS
Surface Finishes Layout 2	HXXXX-102-02	-	DDS
Surface Finishes Layout 3	HXXXX-102-01	-	DDS
Drainage Construction Details 1	HXXXX-300-01	-	DDS
Drainage Construction Details 2	HXXXX-400-02	-	DDS
Drainage Construction Details 3	HXXXX-400-03	-	DDS
Highway Construction Details 1	HXXXX-400-01	-	DDS
Highway Construction Details 2	HXXXX-400-02	-	DDS
Phase 1 Access 1 Barkbythorpe Rd North	10214-HL-11	G	Brookbanks
Phase 1 Access 2 Barkbythorpe Rd South	10214-HL-10	G	Brookbanks
Phase 1 Access 3 Hamilton Lane South	10214-HL-13	F	Brookbanks
Phase 1 Access 4 Hamilton Lane North	10214-HL-12	C	Brookbanks



## Schedule 2

<b>Plot</b>	<b>Elevation</b>
6	East
9	Northeast
16	Southwest
23	Southwest
31	Northeast
35	Northeast
40	Northeast
43	Northwest & Southeast
49	East
65	South
70	East
71	East
79	East
117	East
120	North
125	North
129	Southeast
132	West
137	North
142	North
143	South
146	West
157	Southeast
159	West
162	West
164	North
170	North
176	South
205	Southeast & Southwest
206	Southeast & Southwest
218	Northeast
222	Northwest

## Information Notes

1.	The Local Planning Authority has acted pro-actively through early engagement with the applicant at the pre-application stage. This led to improvements to the scheme to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.
2.	Planning permission has been granted for this development because the Council has determined that it is generally in accord with the terms of the following development plan policies: CS2, CS3, CS11, CS12, CS13, Cs15, CS16, CS17, CS18, CS19, CS25, EV/1, TR/18 There are no other material considerations which would indicate that planning permission should be refused.
3.	This planning application forms part of consent P/13/2498/2 and it should be noted that it does not override the need to comply with conditions or legal obligations attached to that consent.
4.	Drainage must be provided within the site so that surface water does not drain into the public highway from any private driveways or other hard surfaces, in the interests of highway safety.
5.	All roads, footpaths and verges together with all drainage works must be constructed in accordance with the Leicestershire County Council current guidance for adoption purposes. This is to ensure that the roads to be constructed are to adoptable standards and appropriate for a Section 38 Agreement between the developer and the highway authority.
6.	Please note the minimum visibility splay size for the proposed site accesses is 2.4m by 43m. These shall be kept clear of any obstruction which exceeds 0.6m above the level of the adjacent footway/verge/highway.

For a map of this reserved matters area please see the Context Report.