



<b>Development Control Committee</b>	<b>Thursday, 15 June 2017</b>	<b>Matter for Information and Decision</b>
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**Title: Agenda Update**

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**Application No. 16/00575/OUT**

**HM Young Offenders Institute Glen Parva**  
Tigers Road  
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LE18 4TN

### **1. Introduction**

Since the main agenda report was prepared, additional consultee and neighbour correspondence has been received. This is in addition to highway information pertaining to traffic levels provided by a resident to Cllr Boulter that was forwarded to officers. It has also been considered appropriate to alter the wording of a number of conditions.

Dialogue has also continued between officers and the agent in respect of the contributions sought with the applicant and other parties preferring the use of a Section 106 legal agreement as opposed to a Unilateral Undertaking as set out in the main agenda.

### **2. Recommendations**

That the application be approved subject to a Section 106 Legal Agreement, the insertion of a number of conditions resulting from the Leicestershire County Council Flood Risk team consultation response and the expansion of other conditions to include 'Oadby and Wigston Borough Council' prior to the words 'as Local Planning Authority'.

### **3. Information**

At the time the main agenda report was written additional information in response to the objection / further information required response from Leicestershire Lead Flood Authority had been provided by the agent and a response to it was being awaited.

The response has been provided stating no objections subject to conditions and informatives being attached to any permission as set out below;

#### **Condition**

No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of

surface water from the site.

### **Note to Applicant**

The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features.

Full details for the drainage proposal should be supplied, including but not limited to, headwall details, pipe protection details (e.g. trash screens), long sections and full model scenario's for the 1 in 1, 1 in 30 and 1 in 100 year + climate change. Where discharging to a sewer, this should be modelled as surcharged for all events above the 1 in 30 year, to account for the design standards of the public sewers.

Notwithstanding the details within the submitted Flood Risk Assessment (Rev P01 dated 20/04/2017); the proposals will discharge surface water at equivalent greenfield rates as agreed by the applicant within the submitted technical note (document reference AI NO.049).

### **Condition**

No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.

### **Note to Applicant**

Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

### **Condition**

No development approved by this planning permission, shall take place until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** To establish a suitable maintenance regime, that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development.

### **Note to Applicant**

Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system, and should

also include procedures that must be implemented in the event of pollution incidents within the development site.

### **Condition**

No development approved by this planning permission shall take place until such time as infiltration testing has been carried out to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element, and the flood risk assessment (FRA) has been updated accordingly to reflect this in the drainage strategy.

**Reason:** To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

### **Note to Applicant**

The results should conform to BRE Digest 365 where trial pits are allowed to drain three times and the calculation of soil infiltration rates is taken from the time taken for the water level to fall from 75% to 25% effective storage depth. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.

### **General Information for Local Planning Authority and Applicant**

#### **Land Drainage Consent**

If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following:

<http://www.leicestershire.gov.uk/Flood-risk-management>

#### **Maintenance**

Please note, it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.

These conditions are considered reasonable and would meet the relevant tests for conditions while the informatives can be attached as well for guidance purposes.

In addition to the above, further correspondence has been received from a neighbour who has made comments in respect of the application that are contained within the main agenda report. Within their letter they detail that they do not consider all neighbour concerns have been clearly addressed. On this basis they have requested that a condition be attached restricting the use of both Crete Avenue and Namur Road to not be used for construction traffic. They also request that there is an explicit inclusion of a requirement for the submission of plans to be agreed with particulars about landscaping and planting on the residential side of the sites eastern boundary either as a standalone condition or contained within Condition 6 as contained in the main agenda report. It is also requested that Section 106 funding for an additional controlled pedestrian crossing between Gloucester Crescent and Namur Road is provided due to the additional traffic increasing risk to vulnerable

pedestrians including older people and mums with toddlers using the Salvation Army site. Concern is also raised in respect of the wording of conditions 7 and 17 of the main agenda with 'prior to the prison approved being first used' not making sense and there being a need to ensure conditions are explicit enough to ensure details for lighting and parking are provided before any work commences.

With regards to these requests, the following are relevant.

Condition 9 of the main agenda report clearly sets out that before any work commences on site a construction traffic / site traffic management plan be provided for approval with the development carried out in accordance with the approved details. This condition would include the provision of a construction traffic routing plan to ensure that vehicles associated with the development would access the site via a route that is acceptable, however, should Members be minded a standalone condition requiring a construction traffic routing plan could be attached to any permission.

With regards to the landscaping and eastern site boundary, the provisions of conditions 2, 3 and 6 collectively require the information relating to both site boundary treatment and landscaping be provided for approval then subsequently be implemented in accordance with the details approved.

Turning to the provision of the additional pedestrian crossing point through the Section 106 agreement, this would be a item that would have been requested by the Highway Authority. In their response they have detailed the works necessary to be done to ensure the development is acceptable from the highways perspective and it does not include this. While its provision may be desirable, it is not considered necessary to make the development acceptable based on the response of the Highway Authority so the imposition of it in the legal agreement would be questionable.

Officers consider that the wording of condition 7 and 17 are clear and set out that the works required are done before the prison recommended for approval is first used and before works starts on-site respectively.

Information pertaining to traffic levels were provided by a third party to Cllr Boulter who kindly passed them to officers. This data has been forward to the Highway Authority for assessment and comment with a response currently awaited.

A number of the conditions detailed require the submission of details to the Local Planning Authority for approval prior to either work commencing on-site or the first use of the prison being approved. It is considered that these conditions be altered to include the phrase 'Oadby and Wigston Borough Council' where relevant in order to clearly establish the Council to which the information has to be submitted to due to the sites location across two difference administrative boundaries.

As indicated above, continued dialogue has taken place between the applicant, their agent and planning officers at the 2 Councils where the proposal is located, with specific discussions in respect of the contributions to be provided relating to highway improvement works necessary to make the development acceptable. The main agenda report sets out that this would be by way of Unilateral Undertaking. However, the discussions have resulted in this being changed to be by way of a Section 106 legal agreement that is considered acceptable to officers.

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As an addendum to the main report, the recommended conditions were not included with the main report due to some concern about the propriety of some of the conditions requested by the Highway Authority. The full recommendation and list of recommended conditions is as follows:

### **"Recommendation**

For the reasons set out in the above report then:

- (a) Subject to the completion of a suitable Section 106 Agreement by the 15<sup>th</sup> August 2017 and for the reasons set out in the above report, **Permit** subject to the following conditions:
- (b) REFUSE: If the Section 106 Agreement is not completed by 15<sup>th</sup> of September 2017 then the application be **Refused** for the following reason:
  - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To conform with Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Prior to the commencement of development details of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall only be carried out using the agreed materials.

**Reason:** To safeguard the character and appearance of the proposed building and its surroundings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 3) Prior to the commencement of development a detailed scheme of landscaping and measures for the protection of trees to be retained during the course of development shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that a landscaping scheme is provided to enhance the development and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the visual amenities of the locality and the occupiers of adjacent buildings and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14, and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 5) Prior to the commencement of development a detailed plan (or plans) indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed prior to the first occupation of any of the dwellings to which it relates.

**Reason:** To ensure that a adequate boundary treatment is provided to safeguard the visual amenities of the area, the amenities of the future occupiers of the dwelling and the occupiers of adjoining properties and in accordance with the aims and objectives of the National Planning Policy Framework, Core Strategy Policy 14 and Landscape Proposal 1 of the Oadby and Wigston Local Plan.

- 6) Prior to the first occupation of the building hereby granted permission the access and parking areas shown on the approved plan shall be provided in an approved surface material (approved under condition 3 above) and thereafter made available at all times for their designated purposes.

**Reason:** As recommended by Leicestershire County Council (Highways) in the interests of highway safety and in accordance with the aims and objectives of the National Planning Policy Framework and Core Strategy Policy 4.

- 7) The access, parking and turning areas shall be constructed in general accordance with drawing 7026/01C rev C issued 21.4.17. With the addition of dropped tactile pedestrian crossings at the access.

**Reason:** To ensure a satisfactory form of development and in the interests of highway safety.

- 8) Development shall not begin until details of design for off-site highway works being re-location of the bus stop, kerbs, shelter and pole; and street light, have been approved in writing by the local planning authority; and any dwelling in the development shall not be occupied until that scheme has been constructed in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development and in the interests of highway safety.

- 9) Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users.

- 10) All existing vehicular access(es) that become redundant as a result of

this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the LPA within one month of the new access being brought into use.

**Reason:** To protect footway users in the interests of pedestrian safety, and to reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points.

**11)** No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.

**Reason:** To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard to road users, and to ensure that construction traffic/site traffic associated with the development does not lead to on-street parking problems in the area”.

**Background Documents:-**

Planning Application(s) 16/00575/OUT and 17/00084/FUL

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<b>Implications</b>	
<b>Financial (RR)</b>	Not applicable.
<b>Legal (RR)</b>	Not applicable.
<b>Risk (RR)</b>	Not applicable.
<b>Corporate Priorities (RR)</b>	Not applicable.
<b>Vision and Values (RR)</b>	Not applicable.
<b>Equalities (RR)</b>	Not applicable.
	Equality Assessment:- <input type="checkbox"/> Initial Screening <input type="checkbox"/> Full Assessment <input checked="" type="checkbox"/> Not Applicable