

Planning Committee 23 October 2018
Report of the Interim Head of Planning

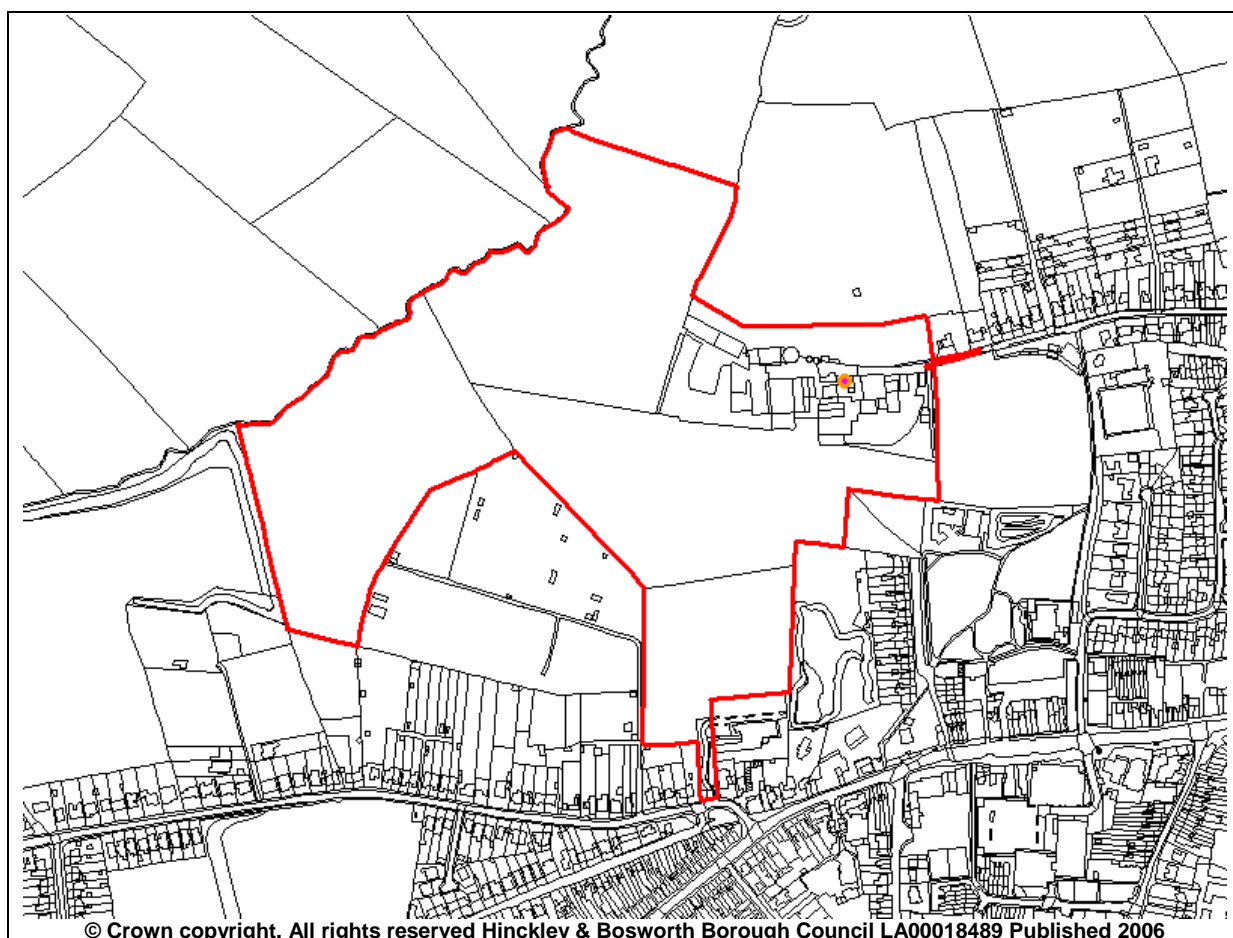
Planning Ref: 18/00225/REM
Applicant: Avant Homes (England) Ltd - Midlands
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Westfield Farm Keats Lane Earl Shilton

Proposal: Approval of reserved matters (appearance, landscaping, layout and scale) for residential development of 322 dwellings of outline planning permission 14/01279/OUT)



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1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

1.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. Members will recall that the application for outline approval on this site was heard by committee on 21 June 2016 and granted planning permission subject to the prior completion of a s.106 agreement and relevant planning conditions.

- 2.2. This application seeks approval of reserved matters (appearance, landscaping, layout and scale) for the residential development of 322 dwellings following the grant of outline consent under 14/1279/OUT.
- 2.3. Access to the site is to be from Heath Lane as previously approved, resulting in the reconfiguration of the existing access serving Heath Lane Medical Centre. Emergency access, which would also provide a pedestrian and cycle link, is shown to be gained from Keats Lane. This element was approved at the outline stage with condition 7 of the approval requiring the submission of details prior to the commencement of any development. The adoption layout plan submitted with this application shows the presence of a barrier, this would ensure only authorised persons could use this access with a vehicle.
- 2.4. The proposed 322 dwellings (including 66 (20%) affordable houses) are to be made up of:
- 6 x 1-bed terrace
 - 9 x 1-bed apartment
 - 4 x 2-bed bungalow
 - 4 x 2-bed mews
 - 52 x 2-bed terrace
 - 97 x 3-bed semi-detached
 - 24 x 3-bed detached
 - 17 x 4-bed semi-detached
 - 97 x 4-bed detached
 - 12 x 5-bed detached
- 2.5. In addition to the dwellings detailed above, the site as a whole will include the following:
- 0.6ha of employment land;
 - 0.3ha of land to be used for the extension to the surgery and its car parking;
 - 2.87ha of parkland;
 - 2.99ha of natural and semi-natural green space;
 - 0.27ha amenity green space; and
 - 500 sqm kickabout area.
- 2.6. Details of the layout of the employment land area and the extension to the surgery and its car parking have not been included at this stage and will be dealt with through further reserved matters applications at a later date.
- 2.7. During the course of the application amended plans have been received due to amendments in the landscaping, house types and layout following comments from planning officers and consultees.

3. Description of the Site and Surrounding Area

- 3.1. The application site is located to the north west of the District Centre of Earl Shilton, north of Heath Lane and is outside the settlement boundary. The southern side of the site adjoins garden allotments located to the north of dwellings fronting Heath Lane; with one section of the site projecting south and adjoining land adjacent to dwellings fronting Heath Lane and Heath Lane Medical Centre. The eastern boundary of the site adjoins a former quarry to the rear of houses on Mountfield Road, which has been left undeveloped to create a wildlife area, Wood Street Park, Earl Shilton Cricket Club and Keats Lane. Beyond the northern boundary is agricultural land, and adjoining the western boundary is open space associated with William Bradford Community College.

- 3.2. There is a public footpath (U26) running through the site from Wood Street Park to the northern corner where it crosses Thurlaston Brook which adjoins the north west boundary of the site.
- 3.3. The application site measures approximately 15.36ha and covers Westfield Farm which comprises the farmhouse, agricultural buildings and associated agricultural land. Each field is predominantly lined by hedgerow. There are several mature trees across site with the most notable being those subject to TPO close to the proposed access to the development. The topography of the site is varied with the southern side located at the ridge of a hill where the land then falls away to the north and it then begins to flatten.

4. **Relevant Planning History**

14/01279/OUT	Residential development of up to 350 dwellings, 0.6 ha of employment starter units, expansion of existing community facilities, access, open space and indicative landscaping (outline - access only)	Outline Planning Permission	06.07.2017
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5. **Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press. A full reconsultation was undertaken following the submission of amended plans.
- 5.2. In response to the above publicity 14 letters of representation have been received, nine objecting to the proposal; one in support and four making comments. These are summarised below:
- 1) Increase in vehicular traffic and impact upon safety, especially on Heath Lane
 - 2) Currently lots of empty flats in Earl Shilton
 - 3) Better to be located on land adjacent to the by-pass
 - 4) Loss of much needed agricultural land
 - 5) What guarantee is there that Keats Lane will not be used as an access should Heath Lane not be able to cope?
 - 6) Increased pressure on already stretched services such as schools, doctors and emergency services
 - 7) Prospect of more young people hanging around the centre of town due to a lack of facilities for that age group
 - 8) The plans are reasonably sympathetic to the landscape, making every effort to include areas for wildlife
 - 9) Existing sewage and water systems will not take any further additions and the run-off into the existing brooks will lead to increased flooding at the bottom of the hill out of Earl Shilton
 - 10) Concerned about the badgers that have resided in the area for over 30 years. The corridors now proposed for their journey to foraging areas have changed from the outline plan. Consequently they would probably begin their foraging on either the park or cricket field causing considerable damage

6. Consultation

6.1. No objection, some subject to conditions, has been received from:

HBBC Affordable Housing Officer
HBBC Waste Services
HBBC Environmental Services (Drainage)
Leicestershire Police
Leicestershire County Council (Highways)
Leicestershire County Council (Rights of Way)
Leicestershire County Council (Ecology)
Severn Trent Water Limited
Environment Agency
Leicestershire County Council (Drainage)

6.2. Earl Shilton Town Council made the following comments on the original plans:

- 1) Impact upon Badgers. Feel that the revised 'wildlife corridor' is not wholly adequate
- 2) The Town Council will be looking for genuine constructive consultation within the process of s106 contributions particularly regarding 'connectivity' with the natural town centre and its public realm

6.3. Earl Shilton Town Council made the following comments on the amended plans:

- 1) Members would like to see a 3 metre wide tarmac illuminated footpath/cycleway out of the estate to join up with the 'metalled' highway of Keats Lane. This will be used by pedestrians and cyclists of all ages
- 2) Footpath U26 and a 3 m wide foot/cycleway across ESTC owned land. Members are committed to working with the developer, HBBC (LPA) and LCC Highways regarding the future of this footpath and others

6.4. Barwell Parish Council comment as follows on the amended plans:

- 1) Big Highway issues with the amount of traffic on the bend and approximately 805 cars using the access

7. Policy

7.1. Development Plan 2006 – 2016: Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- Policy 5: Transport Infrastructure in the Sub-Regional Centre
- Policy 15: Affordable Housing
- Policy 16: Housing Mix, Density and Design
- Policy 19: Green Space and Play Provision

7.2. Site Allocations and Development Management Policies DPD (SADMP) (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM20: Provision of Employment Sites

- 7.3. Earl Shilton and Barwell Area Action Plan
 - Policy 19: Regeneration of the District Centres
- 7.4. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2018)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
 - Open Space and Recreational Facilities Study 2016

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon highway
- Drainage and flood risk
- Ecology
- Impact upon Trees

Assessment against strategic planning policies and principle of development:

- 8.2. Paragraphs 11 – 14 of the National Planning Framework (NPPF) (2018) support the 'presumption in favour of sustainable development.'
- 8.3. In the instance of decision-taking this means: 'approving development proposals that accord with an up-to-date development plan without delay.'
- 8.4. However, paragraph 12 states: 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.'
- 8.5. The Development Plan (2006 to 2026) is made up of a number of documents that are relevant to this application.
- 8.6. The Core Strategy provides a spatial strategy and directions for growth. The development strategy is based on a hierarchy of settlements with the majority of this growth being accommodated in and around Hinckley sub-regional centre.
- 8.7. The Core Strategy identifies that Earl Shilton has a role in supporting Hinckley in fulfilling its role as a sub regional centre. The Core Strategy also identifies that it contains pockets of significant deprivation, particularly relating to income, education skills and training, employment and health and the local centres are in need of regeneration.
- 8.8. In order to support the regeneration of Earl Shilton, a number of strategic measures are identified through Core Strategy Policy 2, for example by:
 - Allocating a mixed use sustainable urban extension to the south of Earl Shilton;
 - Supporting development within Earl Shilton settlement boundary to deliver a minimum of 10 new residential dwellings;
 - Ensuring there is a range of employment opportunities within Earl Shilton;
 - Supporting the regeneration of the Earl Shilton local centre, including public realm improvements and the development of a focal civic space;

- Supporting the development of new leisure facilities and sustainable public transport links including enhanced walking and cycling connections between Barwell, Earl Shilton, Hinckley, Burbage and the surrounding countryside;
 - Requiring transport improvements in line with Policy 5. This includes the delivery of safe, high quality cycling routes and interventions on the strategic road network.
- 8.9. The proposal is outside the identified settlement boundary for Earl Shilton as defined in the SADMP and Area Action Plan and therefore the site is within the countryside. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside by safeguarding it from unsustainable development.
- 8.10. This application is for matters reserved under outline planning permission reference 14/01297/OUT. The outline application assessed the principle of residential development in this location and the means of the access to the site including any impact upon the highway network, this was found to be acceptable. The principle of residential, employment, open space development and additional land to support the doctor's surgery on the site has therefore been established.

Residential Development

- 8.11. Policy 15 of the Core Strategy requires 20% affordable housing to be provided on developments over 15 housing with a tenure split of 75% social rented and 25% intermediate housing as a starting point. Following discussions between the Affordable Housing Officer and the applicant around the need and provision within the District, it has been agreed that the applicant shall provide 20% (66 units) affordable housing on-site as follows:
- Affordable rent (50 units):
 - 9 x 1-bedroom flats
 - 6 x 1-bedroom houses
 - 4 x 2-bedroom bungalows
 - 25 x 2-bedroom houses
 - 6 x 3-bedroom houses
 - Shared Ownership (16 units):
 - 9 x 2-bedroom houses
 - 7 x 3-bedroom houses
- 8.12. The applicant has agreed an offer with Stonewater, a Registered State Landlord (RSL) on the above basis and evidence of this has been submitted with the application.
- 8.13. Policy 16 of the Core Strategy seeks to secure appropriate housing density, mix and design. The density is appropriate when taking into account the constraints of the site due to shape, topography and landscape characteristics. The proposed scheme would provide a substantial area of informal amenity space which if discounted would increase the density per hectare figure; however, this amenity space is required by policy and is important to the design and sense of place the development would achieve.
- 8.14. The development includes a range of 1, 2, 3, 4 and 5 bed properties in flats, houses and bungalows. The number and mix of these are considered to be acceptable. The designs of the dwellings address the layout of this site. Attention has been paid to plots on corners with openings within the side elevations to provide interest. The streetscenes would be varied but also include elements of consistency to create a sense of place. Private driveways have been widened in some instances

where concern was raised about feelings of enclosure, and the existing trees and landscaping are incorporated within the layout. There is further discussion of this later on in the report.

Employment Development

- 8.15. Earl Shilton has an identified shortage of employment opportunities. Policy 2 of the Core Strategy seeks to ensure there is a range of employment opportunities in Earl Shilton. The proposed development will provide 0.6ha of employment land (use class B1 (c)).
- 8.16. Whilst the details of this part of the site are yet to be submitted, as the applicant does not wish to develop it at this stage, the use of this part of the site for employment use was determined under the outline consent and can be determined through the submission of another reserved matters application.
- 8.17. The positioning of the employment site differs to the location identified on the illustrative masterplan considered at the outline planning stage. The change to the positioning within the site, adjacent to the main entrance, is considered to be appropriate for it to be developed by a third party at a later stage and the applicants have demonstrated that the site can be serviced appropriately and its relocation would not be detrimental to the delivery of the employment element.

Medical Centre

- 8.18. The outline consent on the site allocated an area of 0.3ha for the expansion of the Heath Lane Surgery in order for it to serve the growing community, to which this proposal contributes. This is in line with The Earl Shilton and Barwell AAP which sets out the intention to expand the facilities at the Heath Lane Surgery over the plan period. A monetary contribution (£50,944) has also been agreed through the s.106 agreement for the outline consent towards the provision of healthcare facilities within the administrative area of Earl Shilton.

Design and impact upon the character of the area

- 8.19. Policy DM10 of the SADMP seeks to ensure that new development does not have a detrimental impact on the character and appearance of the surrounding area, and that it respects the local distinctiveness and landscape setting. Policy DM4 of the SADMP seeks to ensure that development does not have a significant adverse effect on the intrinsic value, beauty or open character and landscape character of the countryside. These policies are supported by paragraph 16 of the NPPF (2018).
- 8.20. The Landscape Character Assessment (2017) designates the application site as located within the Stoke Golding Rolling Farmland Character Area. The applicable key characteristics of the wider area are as follows:
- Undulating arable and pasture farmland with gentle valleys sloping down to the Ashby Canal, Tweed River and associated tributaries.
 - Small to medium scale rectilinear field pattern divided by low hedgerows and mature hedgerow trees typical of parliamentary enclosure with smaller pasture fields around settlements, creating a largely unified field pattern and providing continuity with the agricultural past.
 - Rural settlement pattern with former agricultural villages typically demonstrating a historic core, modern outskirts and sporadic farmsteads on the outer edges, within a strong rural setting.
 - Church spires and towers within villages in and around the character area form distinctive landmarks on the skyline.

- 8.21. A landscape and visual appraisal was submitted with the outline application which provided an assessment from visual receptors in the area surrounding the application site and concluded that “the development would nestle into the existing pattern of the urban edge shouldered by high ground to the east and west, and with the urban edge of Earl Shilton immediately to the south”.
- 8.22. Officer opinion at outline stage was that the within the surrounding setting of the proposed development, including: dwellings on Heath Lane; dwellings on Keats Lane; users of Wood Street Park; and users of Heath Lane Surgery, the development would be visible and there would be a degree of impact, although the majority of the development would not be significantly noticeable due to the varying topography of the site, and the land falling away from the ridge top. From these areas the immediate area would be impacted although longer distance views of the countryside would be retained.
- 8.23. Within the immediate setting of the proposed development, walkers along the public footpath (U26) from Wood Street Park through the site will experience a high magnitude of change and substantial impact on their enjoyment of the countryside. This is expected from any greenfield development and the layout and landscaping of the development lessens this impact by virtue of the retention of the good quality trees and hedgerows within the site, the incorporation of green spaces within and on the edges of the site, and the creation of a green corridor link to both support the biodiversity of the site and to maintain a rural feel for all, including users of the public right of way.
- 8.24. There would be a total of 21 different housetypes across the site which is considered to represent an appropriate balance between variety and consistency to ensure the development as a whole has a sense of place and identity. The materials for the erection of the dwellings have been submitted to discharge condition 5 of the outline consent (14/01279/OUT) and whilst a plan identifying each plot to the proposed material choice has yet to be submitted, the mix is considered to be appropriate for the application site.
- 8.25. The designs of the proposed dwellings include a variety of features, such as bay windows, porches and gable features. All of the proposed housetypes would include brick headers and/or sills to the windows on the front elevation. Corner plots would include openings to all elevations to ensure that they address the streetscene, and off-street parking would be predominantly kept off the site frontages on the Primary route through the site.
- 8.26. All of the dwellings are set back from the back of the footpath allowing for the creation of front gardens, and would be developed at an appropriate density to enable glimpses through to the countryside beyond, particularly where there is a change in the topography. There is a change in level across the site; this is particularly noticeable when standing at the western end of Keats Lane and looking down towards the existing farmhouse. The applicant has produced sections across the site in this area to show how the development would address this and the requirement under condition 30 of the outline consent to submit existing and proposed finished floor levels prior to the commencement of any development provides further control.
- 8.27. There are a number of ‘courtyard’ style layouts across the site. In the interest of visibility and design the applicant has amended these to incorporate wider access drives, and in some instances further areas of landscaping, this has also led to improved outlook for the occupants of the dwellings and better amenity standards for the immediate neighbours in terms of less noise and disturbance from passing vehicles.

- 8.28. Whilst the majority of the public open space is located to the north of the site, due to the need for water attenuation in this area. There are pockets of open space across the site in the form of 'greens', with the area to be known as 'Central Green' linking to the countryside to the north west with a green corridor running in front of plots 181 – 188. The presence of the public open space contributes to the quality of the development, with the retention and maintenance of existing hedgerows both within the site and to its boundaries contributing to the identity of the area.
- 8.29. The proposed landscaping as shown on the submitted landscape masterplan is considered to be acceptable in terms of providing an appropriate mix of native species and enhancing the overall development. Details of the boundary treatment for each plot are required to be submitted prior to the commencement of any development to ensure compliance with condition 29 of 14/01279/OUT. This is considered to be acceptable in ensuring both a high quality character and appearance for the development, and appropriate separation between plots.
- 8.30. The section 106 agreement approved with the outline consent required a contribution towards the connectivity of the application site and Wood Street Park. This would improve the public realm in the area, and be a benefit to all users providing an alternative, traffic free route in to the town centre from the application site.
- 8.31. Overall, whilst the proposal for residential development of this site was concluded at the outline stage to have an adverse impact upon the character of the settlement and the visual appearance of the landscape, and therefore contrary to Policies DM4 and DM10 of the SADMP, consent was granted on the balance of the benefits to the area as a whole. The details submitted with this reserved matters application would result in a development which visually respects the surroundings of the application site by retaining trees and hedgerows where appropriate, and incorporating green spaces throughout a well designed site of varied houstypes with consistent design features.

Impact upon residential amenity

- 8.32. Policy DM10 of the SADMP seeks to ensure that development proposals shall not harm the amenity of neighbouring residential properties. Policy DM7 of the SADMP seeks to ensure appropriate remediation of any contaminated land in line with minimum national standards. The application site, and thereby the proposed development, would adjoin existing dwellings at: nos. 18, 24, 26, 28, 30 and 32 Heath Lane to the south, and Westfield Farm Cottage, Keats Lane to the north east.
- 8.33. The noise assessment submitted at the outline stage showed that the magnitude of noise level change could be classed as major in the short term at some properties on Heath Lane due to increased vehicle movements during the construction process. It was concluded during the consideration of the outline consent that due to the screening that most of the properties assessed benefitted from, and the lack of any objection from HBBC Environmental Health (Pollution), that in this instance with the imposition of conditions in relation to contaminated land that the overall impact of the development to the amenity of neighbouring properties was acceptable.
- 8.34. It will be noted that the positioning of the 0.6ha of employment land is now adjacent to the main access to the site and therefore closer to the rear of existing dwellings on Heath Lane. The applicant has submitted a very brief noise assessment with this current application relating to the new dwellings within the site bordering the employment land, and stating that they will be fitted with double glazing in accordance with Building Regulations Approved Document F. There would be a minimum distance of 40 metres from the application site boundary to the rear

elevations of the dwellings on Heath Lane. In addition to this, a 7 metre easement is proposed before the rear elevation of the industrial buildings. The outline application referred to the employment use being B1 (c) – light industry appropriate in a residential area and condition 16 of the outline consent reads: *“Development shall not begin until a scheme for protecting nearby existing dwellings and dwellings forming part of the proposed development from noise from the commercial/industrial elements of the proposed development has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before permitted development first comes into use.”* On these grounds it is not considered that the presence of employment land in this location would adversely impact upon residential amenity.

- 8.35. Within the site there is sufficient separation distance between the new build dwellings to prevent loss of amenity through direct overlooking and loss of privacy. The dwellings have good size outdoor amenity space, good natural surveillance to harness community spirit and prevent anti-social behaviour, along with easy access to the open space within the site. In addition, due to the proposed layout, there would be no loss of residential amenity by virtue of overbearing impact, loss of natural light or overlooking to any of the existing dwellings adjoining the site.
- 8.36. Whilst there would not be any facilities on the site itself in terms of shops or schools due to the size of the development, the Heath Lane Surgery is located at the main access to the site, and the town centre can be easily reached via the proposed footpath link through Wood Street Park.
- 8.37. The site, on its eastern boundary, is adjacent to the Earl Shilton Town Cricket Club. Plots 62 – 70 would face directly on to the Cricket Club. Due to the close proximity of the proposed dwellings to the cricket pitch, and in line with Sport England advice to ensure that the use of the Cricket Club is not adversely affected by the development, the applicant has undertaken a risk assessment in line with England Cricket Board (ECB) advice. This risk assessment relates to the potential for cricket balls to be hit out of the club boundary and into the application site. There is currently a 6 metre high hedge bounding this part of the site, following the technical assessment looking at the trajectory of balls and the range of players at the site the report concludes that in order to stop all balls landing beyond the club boundary a mitigation system 11 metres high would be required, however, the erection of netting at 8 metres in height would significantly reduce the frequency of balls landing within the application site. On this basis, and to ensure that the mitigation fencing does not adversely impact on the visual amenity of the area, it is considered that the proposed 8 metre high netting for a length of 110 metres would be appropriate in this instance. The netting would be wholly within the application site and the applicant has confirmed that the ongoing maintenance would be included within the management company responsibilities.
- 8.38. Conditions were imposed on the outline consent in relation to the treatment of contaminated land further to the application site's agricultural past. The details in relation to these will be addressed by way of the discharge of these conditions. The investigations so far have not found anything for which remediation in line with minimum national standards is not possible, and therefore the amenity of future residents would not be adversely affected.
- 8.39. The proposed site layout includes large areas of public open space across the site and a dedicated Neighbourhood Play Area (NEAP) and kickabout area to the north eastern corner of the site. The presence of, and ease of access to, open space contributes to the quality of the built environment, and subsequently the amenity of residents. There is considered to be sufficient distance between open spaces and dwellings to prevent any significant loss of amenity through noise and disturbance

above and beyond that expected from the enjoyment of open space. The NEAP and kickabout area would give rise to the noise of youngsters playing, and therefore these have been positioned away from the majority of the built development, at a distance in excess of 30 metres from the main elevation of the nearest dwelling. Overall the benefits of the open space would outweigh any likely noise and disturbance. The positioning of the open space within the site would allow natural surveillance from surrounding dwellings to prevent anti-social behaviour, this is except for the Nature Reserve, which due to the presence of protected species (badgers) is relatively secluded. However, on the basis of the location of the Nature Reserve within the site, its narrow access point and the proposed planting of trees to the entrance, along with the applicant's confirmation that there will be no 'signage' to the area it is not considered that significant impact to residential amenity would result.

- 8.40. The construction of this site may result in noise and dust within the immediate area and therefore Environmental Health requested the imposition of conditions requiring a Construction Environmental Management Plan (CEMP), no burning of waste material and restrictions on construction hours to:

- 8am – 6pm – Monday – Friday
- 9am – 1pm Saturdays
- No work Sunday or Bank Holidays

These requested conditions were imposed on the outline consent and are considered sufficient to protect the amenity of existing residents.

- 8.41. Overall, the proposed development, subject to conditions as discussed above, is considered to be in accordance with Policies DM7 and DM10 of the SADMP.

Impact upon highway safety

- 8.42. Policy DM7 of the SADMP seeks to ensure that developments make the best use of existing public transport, provide convenient and safe access for walking and cycling to services and facilities, and ensure there is not a significant adverse impact upon highway safety. In the case of developments that would generate significant movement, ensure the development is located where the need to travel is minimised, use of sustainable transport can be maximised and the residual cumulative impacts of the development on the transport system are not severe. This is supported by Chapter 9 of the NPPF (2018).
- 8.43. The suitability of the access to the application site, and the capacity of the Highway Network was assessed at the outline stage and found to be acceptable. The details that are now being considered relate to the internal layout of the development.
- 8.44. Following the submission of amended plans and further details, the Highway Authority are now satisfied that the internal layout of the proposal will comply with their requirements on safety grounds.

Sustainable forms of transport

- 8.45. Policy DM17 identifies that development should have 'convenient and safe access for walking and cycling to services and facilities' and 'the need to travel will be minimised and the use of sustainable transport modes can be maximised'. On the grounds that the site would have a strategic influence on the growth of the settlement contributions towards sustainable forms of transport were negotiated at the outline stage and included within the approved s.106 agreement.
- 8.46. The PROW (footpath U26) that crosses the site will be diverted, and as discussed above contributions towards improvements to connectivity of the site with Wood Street Park were secured through the s.106 agreement.

Parking Provision

- 8.47. The provision of parking is provided in accordance with the guidance outlined in the 6 C's Design Guide. The parking provision is generally 1 parking space for 1 bedroom flats, 2 parking spaces for 2-3 bedroom dwellings and 3 parking spaces for 4 bedroom dwellings. All garage dimensions meet the required dimensions outlined in the 6C's Guide to ensure they are 'usable' as garages.

Impact upon the Highway Network during construction

- 8.48. Due to the large scale nature of the development the construction could have a significant impact upon the highway network. These impacts can be appropriately mitigated and a condition was imposed on the outline consent which requires the submission of a construction environmental management plan prior to the start of development.

Emergency Access to/from Keats Lane

- 8.49. This element of the scheme, which also includes pedestrian and cycle access from Keats Lane, was approved at the outline stage with condition 7 of 14/1279/OUT requiring the submission of a detailed design prior to the commencement of any development. This emergency access will not be used by vehicular traffic other than emergency vehicles and cycles; the scheme to be approved shall include details of how this will be managed.
- 8.50. Overall it is concluded that the development would represent an acceptable form of development in compliance with Policies DM17 and DM18 of the SADMP.

Drainage and Flood Risk

- 8.51. Policy DM7 of the SADMP seeks to ensure the protection of surface waters and groundwater quality, and that development does not create or exacerbate flooding by being located away from areas of flood risk. This is supported by chapter 14 of the NPPF (2018).
- 8.52. A site specific flood risk assessment (FRA) was submitted with the outline application which addressed issues relating to flood risk, surface water drainage and foul water drainage and conditions relating to the provision of a SUDs scheme were secured by condition on the outline consent.
- 8.53. The submitted plans identify the proposed attenuation has not be significantly altered from the outline application, and remains consistent with the calculations previously submitted. As such the proposal would comply with Policy DM7 of the SADMP.

Ecology

- 8.54. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. This is supported by paragraph 170 of the NPPF (2018). Thurlaston Brook hedgerow is a potential locally important site and there is known wildlife on the former landfill site adjacent to Heath Lane Surgery.
- 8.55. Phase 1 and 2 ecology surveys were submitted with the outline application. These showed that there were protected species within or adjacent to the site in the form of badgers and great crested newts (GCN). Relevant conditions were imposed on the outline consent and further surveys have been submitted in this regard to both address these conditions and support this application for reserved matters.

- 8.56. Badgers: There is a well-established badger sett located partially within the site and partially within the woodland to the rear of 7 - 41 Mountfield Road. The layout of the current proposal respects this by designating this land as Nature Reserve. A foraging corridor of 4m wide minimum has been maintained around the eastern boundary of the site to allow the badgers to safely travel away from their sett, and to prevent conflict between the badgers and new residents on the site. The planting of this corridor is shown to be enhanced where appropriate. The northern boundary of the site would be enhanced with additional native hedgerow, and whilst there is not a 4m wide corridor within the site it bounds open countryside here. The Nature Reserve will not be 'closed off', as this would adversely impact upon the badgers ability to forage in the established area, however, it will not be signposted, and will have a number of trees planted in front of the entrance to reduce its visibility to those using Upper Green, and thereby protecting the badger sett within. The gardens immediately bounding the Nature Reserve area will have metal 'netting' to the bottom of their boundary fences to protect both residents and badgers.
- 8.57. GCN: GCN are present within 50 metres of the application site and therefore appropriate mitigation is required as the application site forms part of their habitat. The GCN mitigation plan as submitted is acceptable and includes the licencing, through Natural England, of all works within 250m of the GCN population, and to use a Method Statement for all works within 500m of the GCN population. This approach is considered to be acceptable given the sub-optimal nature of the habitats at the present time. The creation of new habitats to the north and west of the site, along the watercourse corridor is welcomed, but these do need to be supported by adequate connectivity along the site boundaries. The treatment of the eastern and northern boundary connectivity corridors have been detailed above and are considered to be in line with the requirements of the relevant conditions of the outline consent.
- 8.58. Bats: Condition 27 of the outline consent deals with the protection of bats in relation to the need for further bat surveys to be submitted prior to the demolition of any of the existing farm buildings on the site. This is considered to be sufficient.
- 8.59. Landscaping: Overall the proposed landscaping scheme, which includes native species, is welcomed. The boundaries to the north and east of the site have been 'reinforced' with native planting to ensure sufficient cover for badgers and other wildlife using this as a corridor to the wider area.
- 8.60. Accordingly, subject to conditions, the development would be in accordance with Policy DM6 of the adopted SADMP and the Ecology Plan dated June 2016 by virtue of it respecting the existing and securing biodiversity enhancements.

Impact upon Trees

- 8.61. Trees are to be retained across the site where possible with the landscaping scheme showing the planting of many new species both to enhance the existing hedgerows and within the areas of public open space. The TPO trees near to the main site access and adjacent to the employment area are shown to be retained, and will contribute to the visual amenity and identity of the site. In order to protect these trees during the construction process a condition has been imposed requiring the works to be carried out in accordance with BS 5837:2012.

Public Right of Way

- 8.62. There is a Public Right of Way (PROW), Footpath U26, crossing the site. This has one point of entry through Wood Street Park to the east, and the other on the north west boundary. This application shows the rerouting of the PROW through the site on pedestrian footpaths and in a logical manner and the applicant has stated their agreement to the provision of the necessary signage within the site and this would

be required by way of condition. The re-routing of the PROW would need to be formalised under a Diversion Order.

Developer Contributions

- 8.63. Policy DM3 of the SADMP identifies that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate funding mechanism.
- 8.64. A section 106 Agreement was required as part of the outline consent and this has been approved making the following contributions (subject to any relevant increases):
- Education: Primary School contribution of £1,016,316.84. Secondary School contribution of £1,268,268.75 and a Special School contribution of £115,519.29.
 - Civic Amenity: £17,336 for enhancing the waste facilities at Barwell Civic Amenity Site.
 - Library: £13,996.50 for enhancing provision at Earl Shilton Library.
 - Leicestershire Police: £112,697 towards equipping staff; polices vehicles; radio cover/capacity, and police database capacity; control room telephony; ANPR CCTV deployment; premises and equipment for additional access hub to serve the locality.
 - Health: 0.3 ha of land to allow the expansion of Heath Lane Surgery which is likely to be used by the additional population and is currently running at capacity, plus a monetary contribution of £50,944.
 - Play & Open Space: £102,000 towards the provision of a Neighbourhood Play Area (NEAP), with 9 pieces of play equipment; to be provided on site; £98,980 towards the maintenance of the NEAP within the application site; £210,540 towards the provision of a Multi-Use Games Area (MUGA) at Weaver Springs Park, of which £92,400 would be towards maintenance; and £188,123.30 towards the provision and maintenance of 3.76ha of public open space across the application site for a 10-year period (informal amenity space, semi-natural amenity space and kickabout area).
 - Public Realm: £240,625 to improve connectivity and the public realm between the site, Wood Street Park and Earl Shilton High Street.
 - Highways: Travel packs £18,497.50; 6 month bus passes £245,000; improvements to 2 nearest bus stops £6,526; bus shelter at 1 nearest bus stop £4,908; Real Time Information system at nearest bus stop £10,000; disability access and signage improvements £8,760 and monitoring fee £11,337.50.
- 8.65. All of the above contributions are considered to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed. There are no proposed changes to the Section 106 and the application will have to be undertaken in accordance with the agreed details of this legal agreement.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

10. There are no known equality implications arising directly from this development.

11. Conclusion

11.1. The proposed development has outline consent and therefore the principle of the development has been found to be acceptable. This application for reserved matters is considering the details of the proposal, including layout, scale, appearance and landscaping, and how they comply with the policies of the Development Plan.

11.2. The proposed layout and design of the dwellings would create sense and place and identity whilst also linking the development to the existing facilities within Earl Shilton through the improvements to the public footpath and public realm.

11.3. The proposal would not adversely impact upon Highway Safety and would provide sufficient off-street parking. Residential amenity within and adjoining the site would not be adversely affected. The ecology and biodiversity of the site would be protected and appropriate mitigation measures put in place for during, and following, the construction phase.

11.4. Overall the proposal is considered to be in accordance with Policies 2, 15, 16 and 19 of the Core Strategy; Policies DM1, DM3, DM4, DM6, DM7, DM10, DM17, DM18 and DM20 of the SADMP along with the relevant guidance in the NPPF (2018).

12. Recommendation

12.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

12.2. That the Interim Head of Planning be given powers to determine the final detail of planning conditions.

12.3. Conditions and Reasons / Reasons

1. The proposed development shall be carried out strictly in accordance with the following drawings:

Site location plan (13.023/02) deposited with the Local Planning Authority on 28 February 2018

Planning Layout (EARL-SL-014 rev K) deposited with the Local Planning Authority on 28 September 2018

Landscape Masterplan (8271-L-01 rev. G) deposited with the Local Planning Authority on 9 October 2018

House type pack September 2018 deposited with the Local Planning Authority on 11 September 2018

Public footpath plan (EARL-PFP-001) deposited with the Local Planning Authority on 4 July 2018

Cricket Ball Stop Netting (EARL-CN-01) deposited with the Local Planning Authority on 1 October 2018
Green Areas Layout (EARL-GA-001 rev. A) deposited with the Local Planning Authority on 6 September 2018
Details of NEAP (15469 rev. A) deposited with the Local Planning Authority on 1 October 2018
Sections through Attenuation Areas (1690 – 126 rev. A) deposited with the Local Planning Authority on 6 August 2018
Site Sections (EARL-SE-01) deposited with the Local Planning Authority on 4 July 2018

Reason: To ensure a satisfactory appearance and impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The cricket ball stop netting as detailed on the Cricket Netting Details drawing (EARL-CN-01) deposited 1 October 2018 shall be erected along the full length shown on the planning layout rev. K approved under condition 1 above prior to the first occupation of any unit on plots 57 – 77 (inclusive) and 108 – 112 (inclusive). The netting shall be maintained and retained for the life of the development.

Reason: In the interests of residential amenity to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Retained trees and hedgerows are to be protected throughout the construction period in accordance with BS 5837: 2012 – Trees in Relation to Design, Demolition and Construction – Recommendations unless other agreed in writing with the Local Planning Authority.

Reason: In order to ensure the retention of the trees and hedgerows across the site to preserve and enhance the character and appearance of the area and maintain its biodiversity value in accordance with Policies DM4 and DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. The landscaping scheme shall be carried out in accordance with the approved Landscape Masterplan (8271-L-01 rev G scale 1:1000) received by the Local Planning Authority on 9 October 2018. All hard landscaping, planting, seeding or turfing shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To ensure that the works are carried out within a reasonable time period and thereafter maintained to accord with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development shall commence on site until a footpath management plan, to include details of signage, has been submitted to and approved in writing by the Local Planning Authority. Such a plan shall include details of temporary diversion, fencing, surfacing, signing and a timetable for provision.

Reason: To ensure that footpath U26 is available for use throughout the construction process and is suitably signposted for the future in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in general accordance with Planning Layout drawings numbered EARL-PL-001 rev. K.

Reason: To ensure that adequate off-street parking provision and turning facilities are provided on site prior to the occupation of development in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12.4. Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. This planning permission must be read in conjunction with outline planning permission reference 14/01279/OUT and implemented in accordance with the specific details approved under the discharge of conditions imposed therein.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
4. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
5. If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
6. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

7. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
8. The recycling and waste collection service operates from the boundary with the public highway. If the proposed access road is to be adopted, the developer's attention is drawn to the need for the design and construction of the access road to be suitable for passage and turning of HGV waste and recycling collection vehicles. Waste and recycling bins are no longer provided free of charge and the developer, incoming residents or managing agents will need to place an order with the waste services department for their supply.
9. The applicant will need to apply to the Borough Council for a diversion order under section 257 of the Town and Country Planning Act to move footpath U26 to a new route.